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House of Representatives

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

WE MUST USE OUR NATURAL RESOURCES IN AN ENVIRONMENTALLY BALANCED WAY

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

Mr. DUNCAN. Mr. Speaker, the forest fires in Los Alamos and Nevada have highlighted what may have become a much bigger problem. One of the subcommittees on which I serve is the Subcommittee on Forest and Forest Health of the Committee on Resources.

We heard testimony a few months ago that almost 40 million acres of Federal land out West was in imminent danger of catastrophic forest fires. This is because environmental extremists fanatically, sometimes even violently, oppose cutting any trees in our national forests.

Forestry experts tell us that we have to cut some trees to have healthy forests, yet some of these extremists oppose even the removal of dead and dying trees, thus causing huge fuel buildups on the floors of these forests, leading to forest fires.

The Los Alamos fire was a so-called controlled burn set by Federal bureaucrats that simply got out of control. Of course, we all know that no Federal bureaucrat has ever made a mistake, or at least one that they have been held accountable for.

The leading environmental extremist, Secretary Babbitt, said on television last week that our forests are now 100 times more dangerous than they were 100 years ago, but it is because of the very policies that he has been advocating. If we do not start cutting more trees in the national forests soon, then in the very near future we are going to see forest fires that make the Los Alamos disaster look like peanuts in comparison.

Yet some of these environmental extremists want the forests to be thinned only by forest fires because that is the ''natural way,'' and the way it occurred before man started populating the Earth, and, according to the extremists, messed things up.

Last year in the subcommittee we were told that the Congress in the mid 1980s passed what was then proclaimed as a great pro-environment law that we would not allow cutting of more than 80 percent of the new growth in the national forests. Since then, we have repeatedly reduced that percentage, stopping it altogether in some places. From the pro-environment law of 80 percent 15 or 16 years ago, we now allow harvesting of less than one-seventh of the new growth in our national forests.

National forests have about 23 billion board feet of new growth each year. Today we cut less than 3 billion board feet, or only about 12 or 13 percent of the new growth. There are about 6 billion board feet of dead or dying trees in the national forests, yet these extremists will not even permit the removal of these dead trees.

Now we are cutting less than half of the dead and dying trees, and unbelievably, some people want it stopped altogether. Environmental extremists have had such an impact that many schoolchildren have almost been brainwashed about these things. They never hear the other side. If I went to any school in Knoxville and told them I was against cutting any trees in the national forests, they would probably think that was a really good thing. They never stop to think that we have to cut trees if we want to build houses or furniture, or have books, newspapers, toilet paper, and many, many other products.

Also, it we keep limiting and restricting where and how trees are cut, it will drive the prices for homes and many other items much higher than they already are. Even now, lumber dealers tell me they are having to import all kinds of Canadian lumber because we have cut out or halted so much U.S. lumber production.

When extremists get our lumber production in our national forests reduced so drastically, it helps big businesses and other countries, but it destroys jobs and drives up prices in this country. The people it hurts the most are the lower-income and working people in this country.

I know most of these environmental extremists come from very wealthy families, and I know they are more or less insulated from the harm that they do. But I think it is really sad that they destroy so many jobs and drive up prices for so many people who really cannot afford it.

I am not talking about cutting any trees in our 356 national parks, I am talking about cutting trees in our national forests so they can grow and be healthy and keep lumber prices down.

Our national forests cover 191 million acres. I know when people look at a map of the United States on one page in the book, the country looks small. Yet, 191 million acres is equal to about 325 Great Smoky Mountain National Parks. Most people who go to the Great

Smokies think it is huge. Yet I am talking about forests that cover more than 300 times the Great Smokies, and this does not count any of the land in our national parks or the land the Bureau of Land Management controls.

The Federal government owns over 30 percent of the land in this Nation today. State and local governments and quasi-governmental agencies own another 20 percent. Half of the land is in some type of public ownership.

What is most disturbing, though, is how government at all levels has been taking over private land at such a rapid rate in the last 30 years, and perhaps even more dangerous, putting so many rules, regulations, restrictions, and red tape on the shrinking amount of land that still remains in private lands today.

Yet, there are some of these environmental extremists who are not satisfied with half of the land and want even more.

There is something known as the Wildlands Project, which I first read about in the Washington Post, which advocates taking half the private land in the U.S. and placing it in public ownership.

This may sound OK until some bureaucrat comes and takes your home or your property.

Also, we could not emphasize enough that private property is one of the main keys to our freedom and our prosperity. It is one of the main things that has set us apart from countries like Russia and Cuba and other socialist or communist nations.

These national forests are not national monuments. They are natural resources, renewable resources.

Whenever some of these extremists are confronted by loggers who have lost jobs or communities that have been devastated, they always say just promote tourism.

Well tourism is an industry filled with minimum or low wage jobs. Even more importantly, it is just not possible to turn our whole country into tourist attractions or base our whole economy on tourism.

I know these environmental groups have to scare people and continually raise the bar so that their contributions will keep coming in.

I know, too, that many big companies, and particularly big multi-national corporations are helped by extreme environmental rules because they drive so many small and medium-sized businesses out of business or force them to merge. So many contributors for these groups come from these big companies, often headquartered in other countries.

But, Mr. Speaker, if we want to continue having a strong economy, with good jobs and half-way reasonable prices, and especially if we want to have a free country, we must use our natural resources in an environmentally balanced way.

We cannot stop cutting trees, digging for coal, and drilling for oil and continue to have the good life that we fortunately enjoy today.

LIVABLE COMMUNITIES AND SAFETY FOR PEDESTRIANS

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

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is for the Federal government to be a better partner in making our communities more livable, to make our families safe, healthy, and economically secure.

One of the indicator species of a livable community is the pedestrian. Earlier this week, people in Montgomery County were shocked, I am sure, to read that in their community pedestrian deaths were as high as homicides. In 1998 and 1999, 25 people were killed in pedestrian accidents, the same as those that were killed in homicides.

Really, this is not news. The statistics are that Americans are 160 percent more likely to be killed by a car than to be shot and killed by a stranger. It is the equivalent of an airline crash every 2 weeks in this country, and for every person who is killed, there are another 20 who are injured; 6,000 dead in all, and 110,000 injured.

The seniors of our community are at the highest risk, almost twice a likely to be killed or injured. Walking for them is more important, not just as a form of exercise, but it is an important part of their transportation system, because many of them no longer drive.

Mr. Speaker, it is important because everyone at some point in their journey is a pedestrian. But there are lessons to be learned from our experience. We are finding that some of the sprawling unplanned communities that are primarily auto-oriented are the most dangerous places for people to walk, places like Fort Lauderdale and Miami; Atlanta, that we have talked a lot about on the floor of this House is sort of a poster child for unplanned growth and sprawled; and Tampa, St. Petersburg, and Dallas, Texas.

Ironically, many of the older, more pedestrian-oriented are the safest. Pittsburgh, Pennsylvania, by one account, is the safest place to walk in America.

It does not have to be this way. There are opportunities for us to plan for people, not just for cars; to put uses closer together, not mandate that they be separated from where people work, where they live, and where they shop.

The Federal government itself can be a partner by not taking an historic Post Office in downtown small town America and locating it by a strip mall out at the edge of town without even paved sidewalks.

There is a whole philosophy that has developed, an engineering approach that is called ''traffic calming'' that we had great success with in our community in Portland, Oregon, to be able to make a difference for the way that people live.

The Federal government in the ISTEA–T–21 legislation has set aside significant funds for traffic safety, but sadly, many of the States are not using those resources in ways that will make pedestrians safe. Fourteen percent of all motor vehicle-related deaths are pedestrians, yet only 1 percent of the highway safety money from the Federal government is used for pedestrian safety.

It is important for us to use the tools that we have available, that we are sensitive to putting people into the planning process to make our communities more livable and make our families safer, healthier, and economically secure.

KOSOVO AND BOSNIA

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

Mr. STEARNS. Mr. Speaker, 1 year ago the United States and many of our NATO allies were engaged in an air campaign against Yugoslav forces. Next month will mark the 1-year anniversary of the agreement providing for the withdrawal of Yugoslavian troops from Kosovo and the deployment of international peacekeeping forces.

Mr. Speaker, it is vital that we not forget the American troops who continue to languish in Kosovo, or those in Bosnia, and other fellow citizens scattered throughout the world on various deployments. We should also consider the cost of these deployments both in dollars and in reduction of our military capability.

President Clinton's decision to attack Yugoslavia and to maintain peacekeeping forces in Kosovo were based upon the mistaken notion that military forces can turn ethnic and religious hatred into peaceful coexistence.

As a participant in the Kosovo peacekeeping operation known as KFOR, the United States has 5,000 troops in Kosovo, 450 in Macedonia, and 10 in Greece. While working to achieve this harmony, U.S. troops have been fired upon and assaulted in many instances.

Census figures collected by the U.N. High Commission for Refugees and the Yugoslavian government indicate that 93 percent of the population of Kosovo is ethnic Albanians now and 5 percent Serbs. In essence, American troops are in Kosovo to protect the Serbs from an angry majority. This makes the President's plan to build a peaceful, multiethnic state all the more daunting.

This situation begs the question, when will our troops leave Kosovo? If the Clinton administration has its way, the answer is, no time soon. All we need to do is to look at Bosnia to explain this conclusion.

Remember Bosnia? In 1996, the United States sent 16,500 troops to Bosnia and some 6,000 support troops to neighboring nations. The President stated that the deployment would last about 1 year. Mr. Speaker, the troops are still there, and the administration has requested $1.4 billion for the next fiscal year to continue this 1-year mission to Bosnia.

Mr. Speaker, it seems that much the same is expected for Kosovo. Two

American camps in that region are being expanded to house and support American soldiers for at least 3 to 5 more years.

More troubling is the assessment of the top U.S. commander in Kosovo. According to the Boston Globe, that commander, Brigadier General Sanchez, stated that the mission will require NATO peacekeepers to remain there for at least a generation. Can we expect some of these NATO troops to be American?

We should also consider the cost of these deployments. Up to last year, $9.08 billion has been appropriated for Bosnia operations. With the expenditure for this fiscal year and the next, the Bosnian mission will accumulate costs exceeding $12 billion.

According to the Department of Defense, the Kosovo operation costs $3 billion last year, and the estimate for FY 2000 is about $2 billion. Our peacekeeping operation in the Balkans is approaching $20 billion in total expenses.

In reading a Heritage Foundation report on this issue, I discovered that ''The Pentagon believes that it missed its procurement targets for the past 5 years because of unexpected costs associated with the military operations in Kosovo and Bosnia.''

This means that we have not met our goals for modernizing our weaponry because of our peacekeeping operations in the Balkans. By making Bosnia and Kosovo safer for their citizens, we have made America less safe for our citizens. Is that really the policy results this administration is seeking?

Congress must take steps to ensure that America's national security interests are paramount in conducting our military and diplomatic missions.

CHINA TRADE

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

Mr. PASCRELL. Mr. Speaker, this morning I would like to address something we started to talk about last evening, and that is the vote we will be taking probably tomorrow on China and our trade relations with China.

The minority leader wrote a book last year, An Even Better Place, America in the 21st Century, where he dismissed as ludicrous the contention that expanded trade fosters democracy in China. ''America has to stand for something more than money,'' the Minority Leader said, and I agree with him wholeheartedly.

It seems to sum up what we have been saying, we opponents. We are not or do not wish to cut off relationships with China and the Chinese people. In fact, our argument is not with the Chinese people, our argument is with the authoritarian government which has tortured, which has beaten down any dissidents, any opposition.

Strictly on the issue of security, the proponents of permanent trade relations with China, normal relationships, whatever we wish to call them, they have been talking first about the jobs that would be created, and then when they could not win that battle, they switched to the issue of national security.

Three points.

My main thrust is jobs this morning. We know that in these past 10 years, China has targeted up to 18 intercontinental ballistic missiles at the United States.

Two, during this same period of time, we signed an export control waiver which allowed the top campaign fundraisers in aerospace companies to transfer sensitive missile guidance technology to China.

Number three, during the same period we shifted the prime satellite export responsibility from the State Department to the Commerce Department. In the sequel to ''sleeping with the enemy,'' I would imagine this is pretty consistent. This in no way is going to strengthen the security of the United States. This deal is a bad deal.

The worst part of the deal is for the American workers. As China seeks entry to the World Trade Organization, and as our trade deficit with China soars to record heights, $70 billion by the end of this year, at least, our manufacturing jobs are being sucked from our shores away from our workers.

This is critical to understand, because if we are not going to help produce more jobs in America and sustain the economy, the robust economy that we have, then where will jobs be created, if not in America? These jobs are going to places like China, where there is no regard for labor, where there is no regard for human safety, and where there is no regard for environmental or health standards.

I find that it is best to take a step back and look at exactly what is happening. Granting PNTR to China would strip America's ability to keep check on the Communist regime. Granting PNTR to China says that China has gained our trust and approval, and I would be saying that I believe this trade deal is the best thing for the people of my district.

But as I mentioned last night, I did have a nightmare on Thursday evening, after standing with the 60 dissidents east of the Capitol here. I dreamt with horror that there was an uprising in China, as there are many dissidents who are afraid to speak up at this moment, and that this great country, this pillar of democracy in the world, the greatest democracy that the world has ever known, stood alongside of the authoritarian, totalitarian Chinese government to put this insurrection down. That is a horror show.

Mr. Speaker, I would like to start by thanking my colleague from Oregon, Mr. DEFAZIO, for his tremendous leadership, in standing up for working people worldwide. I am pleased to join him here today.

There is a reason that the proponents of this flawed deal have been touting the national security and ''theoretical'' reform benefits they see in this package. Because they know that the argument that this bill is good for our working families is just plain wrong!

As China seeks entry to the World Trade Organization, and as our trade deficit with China soars to record heights, our manufacturing jobs are being sucked from our shores, away from our workers.

Those jobs are going to places like China where there is no regard for labor, safety, environmental or health standards.

When dealing with issues such as this, I find that it is best to take a step back and look at exactly what we are doing. What does this vote mean?

Day after day I try to work with firms, be they manufacturing, or textile, or other small businesses, to see what I can do to assist the business in reaching its fullest potential.

How can I vote on Wednesday to send these businesses and jobs overseas?

Normal Trade Relations? This does not seem normal to me!

I cannot stress enough, the mistake we will make by passing this bill later this week. I understand that unemployment is at its lowest, and that the economy is soaring.

But workers are making less money than ever. After NAFTA, we saw tens of thousands of good jobs, with benefits, and security go South to Mexico. What has increased has been the number of temporary workers. Companies have been hiring people to work full time jobs, without health plans, without protections, not on salary.

The bottom line is that this is not a government in China that we have been able to trust. It has broken every commitment it has made with the United States of America.

It has broken every trade agreement it has signed with the United States over the past 10 years.

Supporters of PNTR claim that China will buy our imports. But I do not see the infrastructure or the wealth in China to accept any substantial amount of American merchandise. Business does not want to sell cars to China, they want to build cars in China.

Over the past ten years, our trade deficit with China has ballooned from 7 billion dollars to 70 billion dollars! There is currently a 6-to-1 ratio of imports to exports.

Supporters of this flawed bill claim that we need PNTR to see our economy grow. That fact is however, that China has had NTR over the past twenty years, and things continue to get worse. We are taking a bad deal and making it permanent.

In the United States, we have seen a dangerous shift from a production to service based economy. This deal threatens the tremendous creative spirit of our nation with the prospect of exploitation overseas.

I will not vote for a proposal that is downright dangerous to our society at large.

We can and will not surrender our manufacturing base, our production, our jobs.

Manufacturing is tremendously important to my district. There are 1,114 manufacturing firms who employ 57,000 workers in the Eighth District, and these firms are critical to our infrastructure.

Granting PNTR to China would strip America's ability to keep check on the communist regime in China. Granting PNTR to China

says that China has gained our trust and approval, and I would be saying that I believe this trade deal is the best thing for the people of my district.

I will not do that, because this is a bad deal for our workers.

The numbers do not lie. If PNTR is granted, New Jersey will see 22,276 jobs lost over the next ten years. The United States as a whole will suffer a net job loss of 872,000 jobs over the same ten years.

Proponents like to talk about job creation, but they do not like publicizing the job loss on our side.

The real job creation will be in China, where U.S. businesses will flock with their factories.

They will go there to pay thirty-three, thirteen, even three-cents per hour in sweatshops that are basically workshops from a maximum-security penitentiary.

Big business in America wants to exploit a labor force that cannot go on strike for higher wages, or for better conditions. It wants to take advantage of a labor force that is oppressed by its government. In fact, China has prison labor camps listed among its manufacturing companies!

Why is this year any different? Why is this trade deal any different? What has China done to gain our trust, besides stealing of our nuclear secrets?

China is not all of a sudden going to play by the rules. They will not limit their imports. China will not be a good trading partner, because there is no enforcement or reason to be.

With permanent NTR, we will have thrown in our last chip on keeping China in check.

This deal is bad for my district, New Jersey, and the country. I stand with environmentalists, veterans, human rights activists, and most importantly, working families, to oppose this legislation.

The timing is wrong, and the deal is wrong.

Now is not the time we should not vote to rubber-stamp a failed trading arrangement into infinity.

Trade rights should be a privilege to be earned, not a right merely handed out!

INTERNATIONAL TRADE

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

Mr. PAUL. Mr. Speaker, this week there will be a lot of talk on the House floor about international trade. One side will talk about pseudo free trade, the other about fair trade. Unfortunately, true free trade will not be discussed.

Both sides generally agree to subsidies and international management of trade. The pseudo free trader will not challenge the WTO's authority to force us to change our tax, labor, and environmental laws to conform to WTO rules, nor will they object to the WTO authorizing economic sanctions on us if we are slow in following WTO's directives.

What is permitted is a low-level continuous trade war, not free trade. The current debate over Chinese trade status totally ignores a much bigger trade problem the world faces, an ocean of fluctuating fiat currencies.

For the past decade, with sharp adjustments in currency values such as occurred during the Asian financial crisis, the dollar and the U.S. consumers benefitted. But these benefits will prove short-lived, since the unprecedented prosperity and consumption has been achieved with money that we borrow from abroad.

Our trade imbalances and our skyrocketing current account deficit once again hit a new record in March. Our distinction as the world's greatest debtor remains unchallenged. But that will all end when foreign holders of dollars become disenchanted with financing our grand prosperity at their expense. One day, foreign holders of our dollars will realize that our chief export has been our inflation.

The Federal Reserve believes that prosperity causes high prices and rising wages, thus causing it to declare war on a symptom of its own inflationary policy, deliberately forcing an economic slowdown, a sad and silly policy, indeed. The Fed also hopes that higher interest rates will curtail the burgeoning trade deficit and prevent the serious currency crisis that usually results from currency-induced trade imbalances. And of course, the Fed hopes to do all this without a recession or depression.

That is a dream. Not only is the dollar due for a downturn, the Chinese currency is, as well. When these adjustments occur and recession sets in, with rising prices in consumer and producer goods, there will be those who will argue that it happened because of, or the lack thereof, of low tariffs and free trade with China.

But instead, I suggest we look more carefully for the cause of the coming currency crisis. We should study the nature of all the world currencies and the mischief that fiat money causes, and resist the temptation to rely on the WTO, the IMF, the World Bank, pseudo free trade, to solve the problems that only serious currency reform can address.

TRADE WITH CHINA BUT NOT WITH CUBA

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

Mr. DEFAZIO. Mr. Speaker, today the House will not consider the agriculture appropriations bill because the leadership on the Republican side of the aisle so vehemently opposes one tiny provision of that bill. That is the provision that would allow the sale of food, food, to Cuba.

Cuba is such a threat to the United States of America that the sale of food could jeopardize our national security. Sell them eggs? They might throw them back at us.

Let us compare and contrast their attitude about Cuba to their attitude about China. Tomorrow those same Republican leaders are pushing as hard as they can to have a truncated 3-hour debate on the issue of so-called permanent normal trade relations for China.

They want to sell them anything and everything: aerospace technology. They have already stolen the warhead technology. Missile technology. We are helping them improve their missiles, That little flurry we had about preventing that last year? Well, that died in the conference committee. We are selling them missile technology. They have targeted us with 19 missiles, but they are not very accurate. We want to help them with their accuracy, anything they might want to buy.

They are not a threat, somehow. We are going to engage them. But Cuba, Cuba is such a threat that food, we cannot sell food to Cuba. Do not worry, they might throw those eggs back at us.

A leader on the other side said, it is very easy to see the distinction between the two cases. If we cannot see it, I do not know, maybe we are just blind to it.

Let us just look at the distinctions in the State Department report. I have blanked out the countries. See if Members can guess which is an authoritarian state.

The blank is an authoritarian state in the blank Communist party is the paramount source of power. Citizens lack both the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government. Prison conditions at most facilities remain harsh.

That is one of these countries. Here is the other. The blank is a totalitarian state controlled by blank who is chief of state, head of government, first Secretary of the Communist party, and Commander in Chief of its armed forces. Citizens do not have the right to change their government peacefully. Prison conditions remain harsh.

One of those countries the United States will trade anything and everything with, and the other one we will not even sell them food, but they kind of sound identical, do they not? They oppress their people, they have harsh prison conditions, political prisoners, religious prisoners, prisoners of conscience.

One of them presents a threat to the United States of America so grave they cannot buy food. The other, a country of 1 billion people that is selling sensitive nuclear technology to terrorist nations, that has violated every trade agreement it has entered into with the United States of America, that horribly oppresses its people, that crushes students with tanks, well, they are okay. We want to engage them, and we will sell them anything and everything they want.

We will be allowed 3 puny hours to debate this issue tomorrow because the

Republicans have a big dinner. The biggest trade issue before the United States Congress this year, and 3 hours of debate. It sounds like the deal is cut on that side of the aisle, and it is cut for one thing, campaign contributions from the big business that is pushing this stuff through this body.

SOCIAL SECURITY AND MEDICARE

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

Mr. SMITH of Michigan. Mr. Speaker, social security, as we see on this chart, now is the largest expenditure of the Federal Government. It uses 20 percent of all Federal Government funds. Medicare is 11 percent, but within the next 35 years Medicare, the way it is growing, will actually grow faster and be a larger percentage of the budget than social security.

Over the last 6 years I have introduced three social security bills, each one scored by the social security actuaries, to keep social security solvent for the next 75 years. I am very concerned what is happening in this presidential campaign.

The Wall Street Journal reports that the chairman of the Democrat House campaign committee has sent a memo urging Democrat candidates to bash and criticize Governor Bush for proposing social security reforms. These election year tactics I think are very dangerous because it will discourage fact-centered dialogue about what the real problem is: How we are going to keep social security solvent to pay benefits for future retirees. Instead, they use fear-based rhetoric to reduce this important issue to demagoguery for political gain. I think American workers deserve better.

Many will have payroll taxes taken from their paychecks for 40, maybe even up to 50 years. When it is time for them to retire, the promises made by candidates who demagogued during the 2000 elections will not produce the money to pay benefits at the levels that current retirees receive. Only real reform is going to do that.

As we see by this chart, this is the predicament of social security. Social security in 2016 is going to run out of funds, a cash flow problem, so there is less money coming in from social security taxes than is needed to pay benefits. So somehow we have to come up with money in those future years to pay for the benefits that have been promised.

There are only three or four ways to do that: We either cut existing programs, and probably that is not going to happen in this Chamber; we can increase taxes, and I think that is a very bad idea, because 72 percent of American workers today pay more in social security tax than they do in income taxes. Every time we have been in trouble in the past, we have just said, well, we are going to raise the tax on American workers. So the problem is, how do we do it without raising taxes? Increase borrowing? Probably!

Director Crippen of the CBO pointed out in Thursday's Washington Post that finding the money to repay this trust fund debt means taxes will have to be raised, spending cut, or borrowing increased. As he said, reform proposals that do not change some of the program's basic principles are not going to solve the problem. Another alternative is getting a better return on some of those taxes paid in.

Right now, a young worker 20 years old going to work and paying social security can expect at the most a 1.2 percent inflation-adjusted return on what he or she and their employer pay in. So if that young worker can take some of their tax and get a better return than Social Security's 1.2 percent by investing in bonds, CDs maybe some of it in indexed stocks, they can have more retirement income. They now own that 2 or 3% of their wage plus the compounded earnings. It is part of their estate if they might die early.

We do not need Vice President GORE saying, we are just going to simply add giant IOUs to the Social Security Trust Fund and pretend somehow we are going to come up with the money in the future. It is our biggest, most important program in this country. Let us talk realistically, because the ultimate solution is going to require that Republicans and Democrats get together on a bipartisan basis to do this.

Demagoguing it, criticizing it, having memos go out that say, bash Governor Bush for any proposal he makes on social security, is not the way to move ahead on a bipartisan solution. I urge the President of the United States, I urge the Vice President, to stop it and to talk in a cooperative, factual manner about the real problem and how we might save Social Security and keep it solvent for our kids and grand-kids.

Mr. Speaker, Thursday's Wall Street Journal reports that the chairman of the Democrat's House Campaign committee has sent a memo urging Democrat candidates to bash Gov. Bush for proposing Social Security reforms. These election year tactics will discourage fact-centered dialogues about the reforms needed to keep Social Security strong for generations. Instead, they use fear-based rhetoric to reduce this important issue to demogoguery for political gain.

American workers deserve better than this. Many will have payroll taxes taken from their paychecks for forty and even fifty years. When it is their time to retire, the promises made by candidates who demagog during the 2000 elections will not produce the money to pay benefits at the levels that current retirees receive. Only real reform that sets cash aside for the future will do this. Starting in 2016, Social Security starts to draw down its trust funds, and the Treasury must find the cash to meet these obligations. CBO Director Crippen pointed out in Thursday's Washington Post, that finding the money to repay this trust fund debt means taxes will have to be raised, spending cut, or borrowing increased. As he said, reform proposals that do not change the program's obligations or take actions to promote growth in the economy are an empty gesture.

Governor Bush has shown true leadership by taking on this issue. He is not willing to accept the status quo, and we shouldn't be, either. The only way to get to real solutions is to discuss the facts and work together on a bipartisan basis to build a solution.

THE WHAT IF ORGANIZATION AND THE POSSIBILITY GENERATION

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

Mr. GREENWOOD. Mr. Speaker, I have the pleasure today of hosting an organization of young people in from my district who call themselves ''What If?''

What if young people knew how to create their future every day through the goals they set and the decisions they make?

What if today's youth were given opportunities to become team members, to solve problems and to resolve differences clearly and effectively?

What if the youth of today created an expectation for leadership and accountability, and in doing so, create a shift in the way they view themselves and the way they are viewed by others?

What if a generation, this generation, decided to empower itself by giving itself a meaningful name, the Possibility Generation?

What if the mass youth movement to spread that name around the globe taught participants in that movement to produce actions founded on choice, personal and social empowerment, integrity, and responsibility?

In a world where young people feel that the road ahead is so bleak as to require dramatic and violent means of self-expression, in a fast-paced world of uncertainty and change greater than any other time in history, we must empower youth to become visionaries, and to invite new choices for their future, to make responsible choices, and to take responsibility for the choices that they make.

In a world in which the mere sustainability of our planet cannot be taken for granted, we must encourage and produce socially, environmentally, politically, and commercially conscious youth leadership.

The What If Organization, founded to address these very issues, is an an educational, training, and networking organization which provides unique emotional and intellectual development through innovative programs that train youth and young adults to become productive in the workplace, in their lives, and in their communities.

The skills acquired through What If interactive programs provide long-

term solutions with broad implications by training students to make responsible choices and consciously operate as the CEOs of their lives.

Youth leaders of the What If organization have renamed their generation. Formerly known as Generation Y, the Possibility Generation. They are creating history as the first generation to name itself, and through that act, they are declaring their leadership. Unwilling to be labeled by others, these youth are creating a shift in the way they view themselves and the way they are viewed by others.

Representatives of the What If Organization, founders of the Possibility Generation, and their peers are here today to share in the creation of new possibilities for generations to come.

As I read the Possibility Generation, written by these young people,.

''The Possibility Generation Proclamation:

We, the youth and leaders of the future, hereby proclaim our self-fulfilling right to choose our name, to be accountable for how we are perceived, and to be responsible for the manner in which we relate to ourselves and others.

We are shaping our future by naming ourselves the Possibility Generation, a name consistent with the future we are creating. We are actively forming the Possibility Generation by taking ownership of the future today. We know through our own initiative we can design our lives and future, building on the knowledge and experiences from previous generations.

We willingly seek partnership in creating our future based on the recognition of our unlimited possibilities and what we can accomplish by virtue of our strengths, our openness, our quest to explore uncharted territory, our willingness to accept and to be proud of who we are, and our ability to accept others for who they are.

We commit to being a model for the generations to follow, thus creating a future for our children and providing a choice to lead a life by a path of self-determination and celebration. We commit to creating a world that accepts all people and provides an equal right to explore given potential. In so doing, we become the possibility of goodness, peace, and humanitarianism for all.

We, the members of the Possibility Generation, pledge to each live our possibilities in the manner that will empower us as individuals and thus positively influence society as a whole.''

I am delighted, Mr. Speaker, to host this group of fine young people in Washington today, where they will meet leaders from our Congress and from the administration, and wish them well as they take on these glorious endeavors.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Colorado (Mr. TANCREDO) is recognized during morning hour debates for 2¾ minutes.

Mr. TANCREDO. Mr. Speaker, yesterday marked the beginning of National Small Business Week. With over 117,000 small businesses in Colorado, not to mention the 184,000 self-employed individuals, small businesses have become the backbone of our robust economy.

It is imperative that we continue to foster the growth of small businesses in America by reducing and eliminating many of the burdensome regulations the Federal government imposes on them, such as those put out by OSHA that cost small business millions of dollars each year.

Congress should also heed the calls of businessmen and women throughout the Nation and eliminate the death tax, which would allow more small businesses to be passed on from one generation to another, and continue to pass laws allowing small businesses to increase retirement benefits for themselves and their employees.

Earlier this year, the House passed four small business bills to reduce paperwork requirements and limit liability. I urge my colleagues in the Senate to pass this legislation.

I hope my colleagues will join me this week in thanking America's small businesses for their efforts in making America the leader in the world's economy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 41 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the ages, You love each of us in singular fashion. You deal with us justly. In differing ways, You draw us to Yourself to achieve Your own purpose.

Those who have only tasted Your goodness, O Lord, are like newborn infants longing for pure spiritual milk. Those who have been cut out by Your Word and hewed by Your spirit are like living stones being built into a spiritual house, called to be a holy priesthood offering spiritual sacrifice acceptable to God.

Those wholly animated by Your Spirit are like branches on a vine, one in life, one in activity, one in producing lasting fruits.

Help us this day to achieve Your holy will by setting aside all selfish gain. Make us Your instrument of peace and justice that our faith in You may not bring us shame but give You alone the glory now and forever.

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 Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY 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.

PAYING DOWN THE DEBT

(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 1981, while the Nation celebrated the 200th anniversary of the British surrender at Yorktown, President Reagan joked that ''our enemy is no longer Red Coats, but red ink.''

For 40 long years, this country sank deeper and deeper into debt. Congress seemed addicted to spending money on every project imaginable. But never during the 8 years of Reagan's presidency did the Congress ever send him a balanced budget, not once.

Never during the Carter, Ford, or Nixon administrations did the Democratic Congress ever send the President a balanced budget, nor during the Bush administration.

The same was true the first 2 years that President Clinton enjoyed one-party rule in this town, no balanced budget.

The Constitution clearly states that only Congress can appropriate money for spending. Within 3 years of taking over Congress, the Republicans not only balanced the budget but also began paying down the debt.

For decades, the other side had the chance to balance the budget but never did. The Republican Congress did it, and now we are reaping the rewards.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

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

Mr. ROEMER. Mr. Speaker, we cast a lot of votes in this body that are oftentimes quickly forgotten, but tomorrow

we will cast one that will be indelibly etched in the history books, whether or not this Congress supports the current status quo of too many human rights abuses and too many trade deficits with China or whether we want to change that policy.

I will vote for permanent trade with China because it benefits America. We do not want to support the status quo with China.

Just Friday, the European Union negotiated a new agreement with China where they will get certain benefits to get into those markets in China. Under this agreement, America does not open its markets one bit more to China; but we pry open markets for telecommunications, agriculture, manufacturing, and across the board.

Our policy, Mr. Speaker, should be to pry open and penetrate those markets so that we export products, not jobs.

SPANISH-AMERICAN WAR TAX

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

Mr. HEFLEY. Mr. Speaker, the Federal Government is notorious for being cumbersome and slow to change. When it comes to making improvements in our 17,000-page Tax Code, this is particularly true.

So it is no great surprise that there is a 102-year-old temporary tax law on the books which became obsolete less than a year after it became law. That is right, the Spanish-American War tax, which charges Americans a 3-percent excise tax on their phone line usage, was passed by Congress in 1898 to pay for the Spanish-American War.

Well, the war is over, folks, but the tax is still with us. It is hurting 94 percent of Americans who use phone lines either for personal or business use.

Why has it not changed? It has not changed because of the insatiable appetite of Government for every single tax dollar it can get its hands on.

This is wrong. Congress needs to disconnect the American people from the outdated Spanish-American War tax.

INTERNATIONAL CHILD ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise again today to talk about international child abduction, but this time I will tell the story from a different perspective. I am going to tell my colleagues about Cecilie Finkelstein, a victim of international parental child abduction who I have spoken with about the effects that this crime has on the abducted child.

During our discussions, Cecilie expressed to me that parental abduction can and often does cause tremendous harm to the children involved. In her case, she lived on the run for 14 years, living in three countries and 34 States. Her father forced her to assume many identities to hide and alienate her from her mother. Cecilie learned the truth from a family friend.

She now has a relationship with her mother but expressed to me the devastating effects that abduction has on the child victims.

At an event I held in March, Cecilie, on behalf of herself and all abducted children, appealed to Congress to do everything in its power to discourage international parental child abduction by taking action to motivate foreign countries to comply with the spirit and the intent of the Hague Treaty on the Civil Aspects of International Child Abduction.

My colleagues have that chance. Support H. Con. Res. 293 and help me prevent this tragedy from happening again.

INS DATA MANAGEMENT IMPROVEMENT ACT

(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, I rise today in strong support of H.R. 4489, the INS Data Management Improvement Act, which will be coming before this Chamber later today.

The bill will support our border law enforcement objectives without adversely affecting U.S. commerce, trade, or tourism.

H.R. 4489 does not create a new, cumbersome inspection system. It does not mandate additional documents be required for entry into the United States.

H.R. 4489 simply requires that the INS develop and maintain an electronic database of information already collected at our borders. It also establishes a joint public-private sector task force to evaluate and report on ways to improve the flow of traffic at all ports of entry.

This sensible legislation supports our border law enforcement efforts, as well as the travel and tourism industries of many States, including Nevada.

I urge all of my colleagues to support the INS Data Management Improvement Act.

JUSTICE DEPARTMENT HAS NOT INVESTIGATED WHETHER CHINESE COMMUNISTS HAVE COMPROMISED OUR NATIONAL SECURITY

(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, a memo now proves that the FBI urged Janet Reno to stop investigating illegal Chinese campaign contributions to the Democratic Party. Janet Reno was told she would lose her job. Janet Reno did not lose her job.

Until this day, the Justice Department has never investigated whether or not Chinese communists have compromised our national security.

Unbelievable.

And if that is not enough to throw wild rice on this China marriage, check this out. Congress is about to reward China for buying and spying on Uncle Sam.

Beam me up.

When the Justice Department spends millions of dollars to investigate Bill Gates of Microsoft but not one dime to investigate the Red Army of China, something is wrong in America.

I yield back what looks like treason to me.

IN SUPPORT OF GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

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

Mr. TERRY. Mr. Speaker, China is the third largest military power in the world. It has a huge conventional arms arsenal and developing missile and nuclear capabilities.

Quite frankly, China is a powerful threat. But China can be a powerful ally. There is no more powerful tool for a positive change in China than trade with America.

I worry that this trend towards isolationism will lead us into another Cold War, an ugly time of an era gone by, where many of my colleagues seem to long for the old policy of mutually assured destruction.

Mr. Speaker, I urge them to instead explore the option of mutually assured improvements.

Granting China normal trade relations will have a tremendous impact on our diplomatic relations. This will enhance our ability to improve conditions in China even more.

IN CELEBRATION OF SMALL BUSINESS WEEK

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

Ms. VELAZQUEZ. Mr. Speaker, George Bernard Shaw once said, ''Some people look at the world and say, 'Why?'. Others look at the world and say, 'Why not?' ''.

To me, this one statement captures the essence of what it means to be a business owner and entrepreneurs of America.

I rise today in celebration of Small Business Week and acknowledge our Nation's most enduring image and its greatest legacy, our small businesses.

Small businesses account for 99.7 percent of America's employers. They employ 52 percent of the private sector workforce. And they are responsible for 47 percent of all sales of goods and services throughout this country.

But small business is not just about these numbers. These companies represent the investors, entrepreneurs,

technical wizards, and dreamers of our business community. And as we commemorate Small Business Week and the entrepreneurs, we are celebrating these individuals and we honor those who always say ''why not?''.

REPEAL TAX ON TALKING

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1898 the Federal tax on telephone service, the tax on talking, was first levied as a temporary measure to fund the Spanish-American War. That war lasted only a few months, and yet the taxes lasted for over a hundred years.

Unfortunately, in 1990 a Democratic-controlled Congress made it permanent, which just goes to show us one thing about Washington: once there is a tax on the books, it is almost impossible to get rid of it.

But this week we are going to achieve the impossible. We are going to get rid of this Federal telephone tax once and for all. This will provide tax relief to the nearly 95 percent of American households who have telephone service, and it will help keep the Internet free from direct taxation.

Teddy Roosevelt and his Rough Riders fought valiantly in the Spanish-American War, but we have long since cleared the ledger on that victory. It is a hundred years later and way past time to repeal this outdated tax on working Americans.

MOTOROLA AND TELECOMMUNICATION PRODUCTS IN CHINA

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

Mr. KUCINICH. Mr. Speaker, a recent ad placed by Motorola, and this is the ad, says, ''China is finally open for business, and America's factories are ready to respond to this historic opportunity to boost exports to China and support jobs at home.''

Now, Motorola wants Congress to believe that it will increase jobs and investment at the American factories for export to China.

A Chinese newspaper gets a different story. Motorola is telling the Chinese, we are going to invest another $2 billion in China once China enters the World Trade Organization, which would follow this permanent MFN vote, on top of the $1.1 billion that Motorola has already invested in Chinese production. So here is Motorola going to build a new factory to produce telecommunication products in China.

□ 1015

Motorola did not export a single cell phone to the U.S. from China. Last year the U.S. imported almost $100 million in cell phones that were made in China, many with the Motorola brand. If Congress passes PNTR, Motorola could basically take these Chinese plants and use them as an export platform to disadvantage the American people, American jobs.

Vote against PNTR.

INTERNET PRIVACY

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

Mr. HUTCHINSON. Mr. Speaker, yesterday the Federal Trade Commission released a report to Congress. This report dealt with the issue of online privacy. The report stated: ''Ongoing consumer concerns regarding privacy online and the limited success of self-regulatory efforts to date make it time for the government to act to protect consumers' privacy on the Internet.''

The important impact of this report is that it urges action by Congress. It is time that we do not simply leave it to the regulators but that we take legislative action on the issue of privacy. The best vehicle for this purpose is the privacy study commission bill that I have introduced along with the gentleman from Virginia (Mr. MORAN). It is a bipartisan bill patterned after the privacy study commission of 1974 that gave us hallmark legislation. We need to address it again. It is comprehensive, it is bipartisan, it is a thoughtful approach to the issue of privacy. It is set for markup in the committee on government reform.

I urge my colleagues to take a look at it because it is time that we were able to go back to the voters and say we are going to do something about the issue of privacy.

NATIONAL SMALL BUSINESS WEEK

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of National Small Business Week. This is the week we honor the small business owners across the Nation who have done so much to make our country strong and prosperous. America's 23 million small businesses employ more than half of our country's private workforce, create two out of every three new jobs, and generate a majority of American innovations. In my district, we are experiencing tremendous growth as a result of small businesses. I would hope as we get an opportunity in a few days to vote on new market initiatives and the American Community Renewal Act that we, Mr. Speaker, would recognize the value of small businesses and vote this legislation in honor of our small businesses in the country.

RECOGNIZING SOUTH FLORIDA'S JIM BROSEMER ON A DISTINGUISHED BROADCASTING CAREER

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

Mr. FOLEY. Mr. Speaker, May 28 will mark the end of a long and distinguished broadcasting career for an icon of south Florida television. Since 1967, Jim Brosemer has been a familiar face delivering the news to the people I represent. After 17 years as an anchor in Miami at WTVJ, Jim spent the last 7 years in a variety of capacities at WPTV channel 5, the NBC affiliate in west Palm Beach.

While his regular appearances in front of the camera are coming to an end, he will now share the same skills that won him four local Emmy awards behind the camera as a teacher helping to educate the next generation of journalists. As Jim begins his new duties in teaching and as the government and media liaison for college of communications at Lynn University joins another icon of broadcasting, Irving R. Levine, at their Boca Raton campus, I join the communities of south Florida in wishing Jim Brosemer well, wishing him success, and thanking him for his years of community service to Palm Beach County and all of south Florida.

SOCIAL SECURITY

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

Ms. DELAURO. Mr. Speaker, there has been a lot of talk over the past few weeks about competing plans to handle Social Security. Since 1935, Americans have been able to count on an assured income when they retire through Social Security. Social Security has been there to lift millions of seniors out of poverty, give them the ability to live with independence and dignity. We should be working to strengthen Social Security, not to undermine it. There is no doubt that we need to reform Social Security, but it must be the right kind of reform. The wrong kind of reform introduces risk, takes money away from Social Security and undermines that assured income that has served as a solid foundation during retirement years. Plans to privatize Social Security would particularly harm American women because they earn less, live longer, take time out to raise children and are more likely to work part time.

Mr. Speaker, we should take this historic opportunity to invest our surplus in protecting and strengthening Social Security instead of gambling it on the ups and downs of the stock market. If we act now, we can use the budget surplus to pay down the debt and use the interest saved to strengthen Social Security. This plan is a sound investment for America's future and for all Americans, young and old.

REPUBLICAN B.E.S.T. AGENDA

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

Mr. KINGSTON. Mr. Speaker, the Republican Party continues to work on the B.E.S.T. agenda for the American people. B stands for building up the military and looking after our veterans and military retirees and active duty personnel. E stands for excellence in education, local control, where the dollars go to the teacher in the classroom, not Washington bureaucrats. The S is for preserving and strengthening Social Security. A major accomplishment of Republicans in Congress was to say to the President, don't just preserve 62 percent of the surplus, preserve 100 percent. And let's quit spending that money on roads and bridges. Also, let us protect Medicare and pay down the debt. Our budget pays down the public debt by the year 2013. As a father, I think that is one of the best things that I can go home and talk about. Then the T in the word ''best'' stands for tax relief. After we fulfill our obligations in Social Security, Medicare and debt reduction, let us return the overpayment in government to the American people. They work 50 and 60 hours a week. Money does not grow on trees. It does not come from Washington. It comes from hardworking taxpayers. Let us return the money to them.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 506 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4392.

□ 1022

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 further consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. HUTCHINSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, May 22, 2000, a request for a recorded vote on amendment No. 4 printed in the CONGRESSIONAL RECORD by the gentleman from Ohio (Mr. TRAFICANT) had been postponed and the bill was open for amendment at any point.

Are there further eligible amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 506, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 by the gentleman from Indiana (Mr. ROEMER); amendment No. 3 by the gentleman from Ohio (Mr. TRAFICANT); amendment No. 4 by the gentleman from Ohio (Mr. TRAFICANT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROEMER:

At the end of title III add the following new section (and conform the table of contents accordingly):

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—Not later than February 1 of each year, the Director of Central Intelligence shall submit to Congress a report containing an unclassified statement of the aggregate appropriations for the fiscal year immediately preceding the current year for National Foreign Intelligence Program (NFIP), Tactical and Intelligence and Related Activities (TIARA), and Joint Military Intelligence Program (JMIP) activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.''.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 225, not voting 34, as follows:

[Roll No. 214]

AYES—175

Abercrombie	Boyd	Danner
Allen	Brady (PA)	Davis (FL)
Baird	Brown (FL)	Davis (IL)
Baldacci	Campbell	DeFazio
Baldwin	Capps	DeGette
Barcia	Carson	Delahunt
Barrett (WI)	Chabot	DeLauro
Becerra	Clay	Deutsch
Berkley	Clayton	Dicks
Berman	Clyburn	Dingell
Berry	Condit	Dixon
Blagojevich	Conyers	Doggett
Blumenauer	Costello	Dooley
Bonior	Coyne	Duncan
Borski	Crowley	Engel
Boucher	Cummings	Eshoo
Etheridge	Lewis (GA)	Porter
Evans	Lipinski	Price (NC)
Farr	Lofgren	Rangel
Fattah	Lowey	Rivers
Filner	Luther	Roemer
Ford	Maloney (CT)	Rohrabacher
Frank (MA)	Maloney (NY)	Rothman
Frost	Manzullo	Roybal-Allard
Ganske	Markey	Rush
Gephardt	Mascara	Sabo
Gonzalez	Matsui	Sanchez
Goode	McCarthy (MO)	Sanders
Goodlatte	McDermott	Sandlin
Green (TX)	McGovern	Sawyer
Gutierrez	McKinney	Schaffer
Hastings (FL)	Meek (FL)	Schakowsky
Hill (IN)	Meeks (NY)	Serrano
Hilliard	Menendez	Sherman
Hinchey	Metcalf	Slaughter
Hoeffel	Millender-McDonald	Smith (WA)
Holden	Miller, George	Snyder
Holt	Mink	Spratt
Hooley	Moore	Stabenow
Inslee	Moran (VA)	Stark
Istook	Morella	Strickland
Jackson (IL)	Myrick	Tanner
Jackson-Lee (TX)	Nadler	Tauscher
Jefferson	Napolitano	Thompson (MS)
Johnson, E. B.	Neal	Thurman
Kanjorski	Obey	Tierney
Kaptur	Olver	Towns
Kennedy	Owens	Udall (CO)
Kildee	Pallone	Udall (NM)
Kilpatrick	Pascrell	Upton
Kind (WI)	Pastor	Velazquez
Kucinich	Paul	Vento
LaFalce	Payne	Visclosky
Lampson	Pelosi	Waters
Lantos	Peterson (MN)	Watt (NC)
Leach	Petri	Wexler
Lee	Phelps	Weygand
Levin	Pomeroy	Woolsey
		Wynn

NOES—225

Aderholt	Dunn	Jones (NC)
Andrews	Edwards	Kasich
Archer	Ehlers	Kelly
Baca	Ehrlich	King (NY)
Bachus	Emerson	Kingston
Baker	English	Kleczka
Ballenger	Everett	Klink
Barr	Ewing	Knollenberg
Barrett (NE)	Fletcher	Kolbe
Bartlett	Foley	Kuykendall
Bass	Fowler	LaHood
Bateman	Franks (NJ)	Largent
Bentsen	Frelinghuysen	Latham
Bereuter	Gallegly	LaTourette
Biggert	Gejdenson	Lewis (CA)
Bilbray	Gekas	Lewis (KY)
Bilirakis	Gibbons	Linder
Bishop	Gilchrest	LoBiondo
Bliley	Gillmor	Lucas (KY)
Boehlert	Gilman	Lucas (OK)
Boehner	Goodling	McCollum
Bonilla	Gordon	McCrery
Bono	Goss	McHugh
Boswell	Graham	McInnis
Brady (TX)	Granger	McIntyre
Burr	Green (WI)	McKeon
Burton	Greenwood	McNulty
Buyer	Gutknecht	Mica
Callahan	Hall (OH)	Miller (FL)
Calvert	Hall (TX)	Miller, Gary
Camp	Hansen	Mollohan
Canady	Hastings (WA)	Moran (KS)
Cannon	Hayes	Murtha
Cardin	Hayworth	Nethercutt
Castle	Hefley	Ney
Chambliss	Herger	Northup
Clement	Hill (MT)	Norwood
Coble	Hilleary	Nussle
Coburn	Hinojosa	Ortiz
Collins	Hobson	Ose
Combest	Hoekstra	Oxley
Cook	Horn	Packard
Cox	Hostettler	Pease
Cramer	Houghton	Peterson (PA)
Crane	Hoyer	Pickering
Cubin	Hulshof	Pickett
Cunningham	Hunter	Pitts
Davis (VA)	Hutchinson	Portman
Deal	Hyde	Pryce (OH)
DeMint	Isakson	Quinn
Diaz-Balart	Jenkins	Radanovich
Doolittle	John	Rahall
Doyle	Johnson (CT)	Ramstad
Dreier	Johnson, Sam	Reyes

Reynolds	Shuster	Thomas
Riley	Simpson	Thompson (CA)
Rogan	Sisisky	Thornberry
Rogers	Skeen	Thune
Ros-Lehtinen	Skelton	Toomey
Roukema	Smith (MI)	Traficant
Royce	Smith (NJ)	Turner
Ryan (WI)	Smith (TX)	Vitter
Ryun (KS)	Souder	Walden
Salmon	Spence	Walsh
Sanford	Stearns	Wamp
Saxton	Stenholm	Watkins
Scott	Stump	Watts (OK)
Sensenbrenner	Sununu	Weldon (FL)
Sessions	Sweeney	Weldon (PA)
Shadegg	Talent	Weller
Shaw	Tancredo	Whitfield
Shays	Tauzin	Wicker
Sherwood	Taylor (MS)	Wilson
Shimkus	Taylor (NC)	Wolf
Shows	Terry	Wu

NOT VOTING—34

Ackerman	Fossella	Regula
Armey	Jones (OH)	Rodriguez
Barton	Larson	Scarborough
Blunt	Lazio	Stupak
Brown (OH)	Martinez	Tiahrt
Bryant	McCarthy (NY)	Waxman
Capuano	McIntosh	Weiner
Chenoweth-Hage	Meehan	Wise
Cooksey	Minge	Young (AK)
DeLay	Moakley	Young (FL)
Dickey	Oberstar	
Forbes	Pombo	

□ 1050

Messrs. SHIMKUS, WAMP, and BURTON of Indiana changed their vote from ''aye'' to ''no.''

Mr. CAMPBELL changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOSSELLA. Mr. Chairman, I am not recorded on rollcall No. 214, an amendment to H.R. 4392. I was unavoidably detained and was not present to vote. Had I been present, I would have voted ''no'' on rollcall No. 214.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HUTCHINSON). Pursuant to House Resolution 506, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on Amendment No. 3 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

At the end of title III, insert the following new section (and conform the table of contents accordingly):

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates, and revises as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120, 113 Stat. 1613) (relating to a description of the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development).

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 407, noes 1, not voting 26, as follows:

[Roll No. 215]

AYES—407

Abercrombie	Cubin	Hayes
Aderholt	Cummings	Hayworth
Allen	Cunningham	Hefley
Andrews	Danner	Herger
Archer	Davis (FL)	Hill (IN)
Baca	Davis (IL)	Hill (MT)
Baird	Davis (VA)	Hilleary
Baker	Deal	Hilliard
Baldacci	DeFazio	Hinchey
Baldwin	DeGette	Hinojosa
Ballenger	Delahunt	Hobson
Barcia	DeLauro	Hoeffel
Barr	DeMint	Hoekstra
Barrett (NE)	Deutsch	Holden
Barrett (WI)	Diaz-Balart	Holt
Bartlett	Dickey	Hooley
Bass	Dicks	Horn
Bateman	Dingell	Hostettler
Becerra	Dixon	Houghton
Bentsen	Doggett	Hoyer
Bereuter	Dooley	Hulshof
Berkley	Doolittle	Hunter
Berman	Doyle	Hutchinson
Berry	Dreier	Hyde
Biggert	Duncan	Inslee
Bilbray	Dunn	Isakson
Bilirakis	Edwards	Istook
Bishop	Ehlers	Jackson (IL)
Blagojevich	Ehrlich	Jackson-Lee (TX)
Bliley	Emerson	Jefferson
Blumenauer	Engel	Jenkins
Boehlert	English	John
Boehner	Eshoo	Johnson (CT)
Bonilla	Etheridge	Johnson, E. B.
Bonior	Evans	Johnson, Sam
Bono	Everett	Jones (NC)
Borski	Ewing	Jones (OH)
Boswell	Farr	Kanjorski
Boucher	Fattah	Kaptur
Boyd	Filner	Kasich
Brady (PA)	Fletcher	Kelly
Brady (TX)	Foley	Kennedy
Brown (FL)	Ford	Kildee
Burr	Fossella	Kilpatrick
Burton	Fowler	Kind (WI)
Buyer	Frank (MA)	King (NY)
Callahan	Franks (NJ)	Kingston
Calvert	Frelinghuysen	Kleczka
Camp	Frost	Klink
Campbell	Gallegly	Knollenberg
Canady	Ganske	Kolbe
Cannon	Gejdenson	Kucinich
Capps	Gekas	Kuykendall
Cardin	Gephardt	LaFalce
Carson	Gibbons	LaHood
Castle	Gilchrest	Lampson
Chabot	Gillmor	Lantos
Chambliss	Gilman	Largent
Chenoweth-Hage	Gonzalez	Latham
Clay	Goode	LaTourette
Clayton	Goodlatte	Leach
Clement	Goodling	Lee
Clyburn	Gordon	Levin
Coble	Goss	Lewis (CA)
Coburn	Graham	Lewis (GA)
Collins	Granger	Lewis (KY)
Combest	Green (TX)	Linder
Condit	Green (WI)	Lipinski
Conyers	Greenwood	LoBiondo
Cook	Gutierrez	Lofgren
Costello	Gutknecht	Lowey
Cox	Hall (OH)	Lucas (KY)
Coyne	Hall (TX)	Lucas (OK)
Cramer	Hansen	Luther
Crane	Hastings (FL)	Maloney (CT)
Crowley	Hastings (WA)	Maloney (NY)
Manzullo	Phelps	Smith (WA)
Markey	Pickering	Snyder
Mascara	Pickett	Souder
Matsui	Pitts	Spence
McCarthy (MO)	Pombo	Spratt
McCollum	Pomeroy	Stabenow
McCrery	Porter	Stark
McDermott	Portman	Stearns
McGovern	Price (NC)	Stenholm
McHugh	Pryce (OH)	Strickland
McInnis	Quinn	Stump
McIntyre	Radanovich	Sununu
McKeon	Rahall	Sweeney
McKinney	Ramstad	Talent
McNulty	Rangel	Tancredo
Meehan	Regula	Tanner
Meek (FL)	Reyes	Tauscher
Meeks (NY)	Reynolds	Tauzin
Menendez	Riley	Taylor (MS)
Metcalf	Rivers	Taylor (NC)
Mica	Roemer	Terry
Millender-McDonald	Rogan	Thomas
Miller (FL)	Rogers	Thompson (CA)
Miller, Gary	Rohrabacher	Thompson (MS)
Miller, George	Ros-Lehtinen	Thornberry
Mink	Rothman	Thune
Moakley	Roukema	Thurman
Mollohan	Roybal-Allard	Tierney
Moore	Royce	Toomey
Moran (KS)	Rush	Towns
Moran (VA)	Ryan (WI)	Traficant
Morella	Ryun (KS)	Turner
Murtha	Sabo	Udall (CO)
Myrick	Salmon	Udall (NM)
Nadler	Sanchez	Upton
Napolitano	Sanders	Velazquez
Neal	Sandlin	Vento
Nethercutt	Sanford	Visclosky
Ney	Sawyer	Vitter
Northup	Saxton	Walden
Norwood	Schaffer	Walsh
Nussle	Schakowsky	Wamp
Obey	Scott	Waters
Olver	Sensenbrenner	Watkins
Ortiz	Serrano	Watt (NC)
Ose	Sessions	Watts (OK)
Owens	Shadegg	Weldon (FL)
Oxley	Shaw	Weldon (PA)
Packard	Shays	Weller
Pallone	Sherman	Wexler
Pascrell	Sherwood	Weygand
Pastor	Shimkus	Whitfield
Paul	Shows	Wicker
Payne	Simpson	Wilson
Pease	Sisisky	Wolf
Pelosi	Skeen	Woolsey
Peterson (MN)	Skelton	Wu
Peterson (PA)	Slaughter	Wynn
Petri	Smith (MI)	Young (FL)
	Smith (NJ)	
	Smith (TX)	

NOES—1

Shuster

NOT VOTING—26

Ackerman	DeLay	Rodriguez
Armey	Forbes	Scarborough
Bachus	Larson	Stupak
Barton	Lazio	Tiahrt
Blunt	Martinez	Waxman
Brown (OH)	McCarthy (NY)	Weiner
Bryant	McIntosh	Wise
Capuano	Minge	Young (AK)
Cooksey	Oberstar	

□ 1059

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore (Mr. EWING). The unfinished business is the demand for a recorded vote on amendment No. 4, offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. __. The Director shall report to the House Permanent Select Committee on Intelligence within 60 days whether the policies and goals of the People's Republic of China constitute a threat to our national security.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 404, noes 8, not voting 22, as follows:

[Roll No. 216]

AYES—404

Abercrombie	Crane	Hansen
Aderholt	Crowley	Hastings (FL)
Allen	Cubin	Hastings (WA)
Andrews	Cummings	Hayes
Archer	Cunningham	Hayworth
Armey	Danner	Hefley
Baca	Davis (FL)	Herger
Bachus	Davis (IL)	Hill (IN)
Baird	Davis (VA)	Hill (MT)
Baker	Deal	Hilleary
Baldacci	DeFazio	Hilliard
Baldwin	DeGette	Hinchey
Ballenger	Delahunt	Hinojosa
Barcia	DeLauro	Hobson
Barr	DeLay	Hoeffel
Barrett (NE)	DeMint	Hoekstra
Barrett (WI)	Deutsch	Holden
Bartlett	Diaz-Balart	Holt
Bass	Dickey	Hooley
Bateman	Dicks	Horn
Becerra	Dingell	Hostettler
Bentsen	Dixon	Hoyer
Berkley	Doggett	Hulshof
Berman	Dooley	Hunter
Berry	Doolittle	Hutchinson
Biggert	Doyle	Hyde
Bilbray	Dreier	Inslee
Bilirakis	Duncan	Isakson
Bishop	Dunn	Istook
Blagojevich	Edwards	Jackson (IL)
Bliley	Ehlers	Jackson-Lee (TX)
Blumenauer	Ehrlich	Jefferson
Blunt	Emerson	Jenkins
Boehlert	Engel	John
Boehner	English	Johnson, E. B.
Bonilla	Eshoo	Johnson, Sam
Bonior	Etheridge	Jones (NC)
Bono	Evans	Jones (OH)
Borski	Everett	Kanjorski
Boswell	Ewing	Kaptur
Boucher	Farr	Kasich
Boyd	Fattah	Kelly
Brady (PA)	Filner	Kennedy
Brady (TX)	Fletcher	Kildee
Brown (FL)	Foley	Kilpatrick
Burr	Ford	Kind (WI)
Burton	Fossella	King (NY)
Buyer	Fowler	Kingston
Callahan	Franks (NJ)	Kleczka
Calvert	Frelinghuysen	Klink
Camp	Frost	Knollenberg
Campbell	Gallegly	Kucinich
Canady	Ganske	Kuykendall
Cannon	Gejdenson	LaFalce
Capps	Gekas	LaHood
Cardin	Gephardt	Lampson
Carson	Gibbons	Lantos
Castle	Gilchrest	Largent
Chabot	Gillmor	Latham
Chambliss	Gilman	LaTourette
Chenoweth-Hage	Gonzalez	Leach
Clay	Goode	Lee
Clayton	Goodlatte	Levin
Clement	Goodling	Lewis (CA)
Clyburn	Gordon	Lewis (GA)
Coble	Goss	Lewis (KY)
Coburn	Graham	Linder
Collins	Granger	Lipinski
Combest	Green (TX)	LoBiondo
Condit	Green (WI)	Lofgren
Conyers	Greenwood	Lowey
Cook	Gutierrez	Lucas (KY)
Costello	Gutknecht	Lucas (OK)
Cox	Hall (OH)	Luther
Cramer	Hall (TX)	Maloney (CT)
Maloney (NY)	Petri	Smith (TX)
Manzullo	Phelps	Smith (WA)
Markey	Pickering	Snyder
Mascara	Pickett	Souder
Matsui	Pitts	Spence
McCarthy (MO)	Pombo	Spratt
McCollum	Pomeroy	Stabenow
McCrery	Porter	Stark
McDermott	Portman	Stearns
McGovern	Price (NC)	Stenholm
McHugh	Pryce (OH)	Strickland
McInnis	Quinn	Stump
McIntyre	Radanovich	Sununu
McKeon	Rahall	Sweeney
McKinney	Ramstad	Talent
McNulty	Rangel	Tancredo
Meehan	Regula	Tanner
Meek (FL)	Reyes	Tauscher
Meeks (NY)	Reynolds	Tauzin
Menendez	Riley	Taylor (MS)
Metcalf	Rivers	Taylor (NC)
Mica	Roemer	Terry
Millender-McDonald	Rogan	Thomas
Miller (FL)	Rogers	Thompson (CA)
Miller, Gary	Rohrabacher	Thompson (MS)
Miller, George	Ros-Lehtinen	Thornberry
Mink	Rothman	Thune
Moakley	Roukema	Thurman
Mollohan	Roybal-Allard	Tierney
Moore	Royce	Toomey
Moran (KS)	Rush	Towns
Moran (VA)	Ryan (WI)	Traficant
Morella	Ryun (KS)	Turner
Murtha	Sabo	Udall (CO)
Myrick	Salmon	Udall (NM)
Nadler	Sanchez	Upton
Napolitano	Sanders	Velazquez
Neal	Sandlin	Vento
Nethercutt	Sanford	Visclosky
Ney	Sawyer	Vitter
Northup	Saxton	Walden
Norwood	Schaffer	Walsh
Nussle	Schakowsky	Wamp
Obey	Scott	Waters
Olver	Sensenbrenner	Watkins
Ortiz	Serrano	Watts (OK)
Ose	Sessions	Weldon (FL)
Owens	Shadegg	Weldon (PA)
Oxley	Shaw	Weller
Packard	Shays	Wexler
Pallone	Sherman	Weygand
Pascrell	Sherwood	Whitfield
Pastor	Shimkus	Wicker
Paul	Shows	Wilson
Payne	Simpson	Wolf
Pease	Sisisky	Woolsey
Pelosi	Skeen	Wu
Peterson (MN)	Skelton	Wynn
Peterson (PA)	Slaughter	Young (FL)
	Smith (MI)	
	Smith (NJ)	

NOES—8

Bereuter	Houghton	Shuster
Coyne	Johnson (CT)	Watt (NC)
Frank (MA)	Kolbe	

NOT VOTING—22

Ackerman	Lazio	Stupak
Barton	Martinez	Tiahrt
Brown (OH)	McCarthy (NY)	Waxman
Bryant	McIntosh	Weiner
Capuano	Minge	Wise
Cooksey	Oberstar	Young (AK)
Forbes	Rodriguez	
Larson	Scarborough	

□ 1107

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Chairman, I was unavoidably detained today and missed rollcall vote Nos. 214–216, Rollcall vote No. 214 was a Roemer amendment to H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001; rollcall vote Nos. 215 and 216 were Traficant amendments to H.R. 4392. Had I been present, I would have voted ''no'' on rollcall vote number 214 and ''aye'' on rollcall votes 215 and 216.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Chairman, during the consideration of the Intelligence Authorization legislation (H.R. 4392) this morning, my vote was not recorded on several rollcall votes.

Had I been present, I would have voted ''aye'' on rollcall 214; I would have voted ''aye'' on rollcall vote 215; and I would have voted ''aye'' on rollcall vote 216.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Chairman, on rollcall Nos. 214, 215, and 216, I was physically ill and unable to vote. Had I been present, I would have voted ''aye'' on all said votes.

The CHAIRMAN pro tempore. If there are no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. Ewing, 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. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 506, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole. If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4392, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4392, the bill just considered and passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 2000

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 297) to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 297

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

TITLE I—LEWIS AND CLARK RURAL WATER SYSTEM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Lewis and Clark Rural Water System Act of 2000''.

SEC. 102. DEFINITIONS.

In this title:

(1) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota'', dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(2) INCREMENTAL COST.—The term ''incremental cost'' means the cost of the savings to the project were the city of Sioux Falls not to participate in the water supply system.

(3) MEMBER ENTITY.—The term ''member entity'' means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) PROJECT CONSTRUCTION BUDGET.—The term ''project construction budget'' means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(5) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term ''pumping and incidental operational requirements'' means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term ''water supply project'' means the physical components of the Lewis and Clark Rural Water Project.

(B) INCLUSIONS.—The term ''water supply project'' includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(8) WATER SUPPLY SYSTEM.—The term ''water supply system'' means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) SERVICE AREA.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 108.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 104. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 105. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) QUALIFICATION TO USE PICK-SLOAN POWER.—For operation during the period beginning May 1 and ending October 31 of each year, for as long as the water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 106. NO LIMITATION ON WATER PROJECTS IN STATES.

This title does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

SEC. 107. WATER RIGHTS.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 108. COST SHARING.

(a) FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 103; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) SIOUX FALLS.—The Secretary shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) SIOUX FALLS.—The non-Federal cost-share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 109. BUREAU OF RECLAMATION.

(a) AUTHORIZATION.—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project for the service area of the water supply system described in section 103(b).

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

SEC. 110. PROJECT OWNERSHIP AND RESPONSIBILITY.

The water supply system shall retain title to all project facilities during and after construction, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $213,887,700, to remain available until expended.

TITLE II—SLY PARK UNIT CONVEYANCE

SEC. 201. DEFINITIONS.

For the purpose of this title, the term—

(1) ''Secretary'' means the Secretary of the Interior;

(2) ''Sly Park Unit'' means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) ''District'' means the El Dorado Irrigation District.

SEC. 202. TRANSFER OF SLY PARK UNIT.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after date of the enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(b) SALE PRICE.—The Secretary is authorized to receive from the District $2,000,000 to relieve payment obligations and extinguish the debt under contract number 14–06–200–949IR2, and $9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14–06–200–7734, as amended by contracts numbered 14–06–200–4282A and 14–06–200–8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102–575 through year 2029.

(c) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

SEC. 203. FUTURE BENEFITS.

Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

SEC. 204. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this title, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE III—TREATMENT OF PROJECT COSTS FOR SLY PARK UNIT

SEC. 301. TREATMENT OF PROJECT COSTS.

To the extent costs associated with the Sly Park Unit are included as a reimbursable cost of the Central Valley Project, the Secretary is authorized to exclude such costs in excess of those repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facility is operationally integrated into the water supply yield of the Central Valley Project.

TITLE IV—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

SEC. 401. CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.

(a) IN GENERAL.—The Secretary of the Interior shall credit an amount up to $1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the ''City''), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5–07–20–X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) EFFECTIVE DATE.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary of the Interior have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary of the Interior has issued a determination that such facilities are fully operative as intended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

□ 1115

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

Mr. Speaker, the gentleman from South Dakota (Mr. THUNE) introduced H.R. 297, the Lewis and Clark Rural Water System at the beginning of this 106th Congress. The legislation is designed to provide replacement or supplemental water supplies in the Missouri River, the portions of South Dakota, Iowa, and Minnesota, serving in total about 180,000 people, of which approximately 150,000 people reside in Sioux Falls metropolitan area.

The estimated cost of the project is $283 million in 1993 dollars with a 10 percent State share and 10 percent local cost share based on the willingness-to-pay analysis.

We have been working with the gentleman from South Dakota (Mr. THUNE) on a number of the issues. As currently presented, the bill addresses several other issues of concern to the gentleman from California (Mr. GEORGE MILLER) and me.

Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. THUNE), the author of the bill, to more fully explain his legislation.

Mr. THUNE. Mr. Speaker, I do appreciate the opportunity to speak on this bill, which is so important to my State of South Dakota. H.R. 297 would authorize appropriations for construction of the Lewis and Clark Rural Water System which, when complete, will supply water to 22 communities in South Dakota, Iowa, and Minnesota.

The Lewis and Clark Rural Water System bears tremendous significance to the States that eventually will be served by the delivery of water from an aquifer near the Missouri River at Vermillion, South Dakota. My constituents have expressed the significance of this project in no uncertain terms to me; and, as a result, H.R. 297 was the first bill that I introduced this Congress and has been one of my top legislative priorities since serving in Congress.

I would also like to thank the gentleman from Minnesota (Mr. MINGE), the cosponsor of this legislation, and the gentleman from Iowa (Mr. LATHAM), both of whose districts will be served by this water project.

I would also like to thank the gentleman from California (Chairman DOOLITTLE); the gentleman from Alaska (Chairman YOUNG); the Speaker; the majority leader; the majority whip; the gentleman from California (Mr. GEORGE MILLER), the ranking member; and the staffs of those committees and the leadership staff, particularly Tom Pyle in the House majority whip's office; and the gentleman on my staff, Jafar Karim, for the hard work that they have put in making this bill become a reality.

I would also like to recognize, Mr. Speaker, the project sponsors, those community leaders, the Lewis and Clark Rural Water System, who have fought hard and been so persistent in moving this project forward.

It has been a long process. This bill was introduced back in 1994. It has been refined and reworked to where we are today.

Let me just very briefly state why I believe it is so important and why this is important that this bill move at this time. First off, this helps fulfill promises made by the Federal Government to South Dakota in the Flood Control Act of 1944, wherein South Dakota gave up over half a million acres of prime bottom land in exchange for irrigation benefits and other benefits, many of which never materialized.

Secondly, the legislation authorizes construction of a water system that, when built, will meet critical water needs of 22 communities in South Dakota, Iowa, and Minnesota. Over 180,000 people will be served with clean drinking water.

Mr. Speaker, this legislation is important because this is a health issue. This is a safety issue, and this is an economic development issue for these communities.

Finally, it is important, Mr. Speaker, that we do this now because of the growing sense of urgency when it comes to the water needs of this area and because this legislation has been around and been refined and reworked over four sessions of Congress. The time for action is now.

I want to express my appreciation to those who have helped us bring it to this point and the opportunity to move this legislation forward, and so I encourage all my colleagues to support

the legislation; and on behalf of the people of South Dakota, I thank my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the committee amendment to H.R. 297, the bill to authorize the Lewis and Clark Rural Water System.

The Lewis and Clark Rural Water System is designed to provide replacement or supplemental water supplies from the Missouri River to areas in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota serving up to about 180,000 people.

This region has seen substantial growth and development in recent years, and we know that future water needs in the area will be significantly greater than the current available supply. Many residents in the project area have water of such poor quality it does not meet present or proposed standards for drinking water. Many communities rely on shallow aquifers as the primary source of drinking water, aquifers which are very vulnerable to contamination by surface activities, including large hog farms. Why do we not clean up the hog farms?

Lewis and Clark Rural Water System will provide a reliable source for supplemental drinking water. I urge my colleagues to support the authorization of this project with a ''yes'' vote on H.R. 297.

Mr. Speaker, the committee amendment includes several additional provisions affecting water resource activities of the Bureau of Reclamation in Northern California. I have no objection to these provisions.

In fact, I want to thank the committee for including title 3, the ''Treatment of Project Costs For Sly Park Unit,'' which will provide for the Secretary to exclude these costs in excess to be repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facilities are integrated into the water supply yield to the Central Valley project.

This will provide a correction of an inadvertent oversight that could prove costly to a number of urban water districts in California. I think that this is a proper resolution of this issue.

Mr. MINGE. Mr. Speaker, I rise today to urge my colleagues to support H.R. 297, the Lewis and Clark Rural Water System Act, which has been reported out of the House Committee on Resources.

The Lewis and Clark Rural Water System Act will serve a number of communities in Minnesota, Iowa and South Dakota. Currently these communities are served by shallow aquifers that are vulnerable to contamination. Many of these towns have tried repeatedly to dig new wells. Unfortunately, they have had little luck.

The area that would be served by H.R. 297 is currently experiencing a drought with no immediate relief in sight. This bill will not alleviate the current crisis but protect the region from the water level uncertainties associated with shallow aquifers in the future. That certainty not only lends peace of mind to local citizens, but is also crucial to the area's economic development plans. The business climate cannot flourish when the water supply is questionable.

The Senate has already passed legislation authorizing the Lewis and Clark Rural Water System Act. Time is of the essence for this project and it is my hope that any differences with the Senate can be quickly resolved.

Mr. Speaker, I again ask my colleagues to support H.R. 297.

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

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 297, as amended.

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

There was no objection.

SENSE OF HOUSE REGARDING RAISING OF UNITED STATES FLAG IN AMERICAN SAMOA

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 443), expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa, as amended.

The Clerk read as follows:

H. RES. 443

Whereas the people of American Samoa have inhabited Tutuila and the Manu'a Islands for at least 3,000 years and developed a unique and autonomous seafaring and agrarian culture, governing themselves through their own form of government;

Whereas in 1722, Dutch explorer Jacob Roggeveen became the first European to sight—but not land on—the shores of the Samoan Islands, islands which remained isolated for another 46 years because Roggeveen miscalculated their location;

Whereas in 1768, French explorer Louis Antoine de Bougainville, the second European to sight the Samoan islands, became so impressed with the sailing skills of the natives he named the islands ''L'Archipel des Navigateurs,'' and for generations thereafter the entire Samoan island group was known to the Western World as the ''Navigator Islands'';

Whereas in 1787, Frenchman Jean Francois La Perouse landed on the shores of these islands and thus began the ''opening'' of Samoa to the West, with American whalers as the principal group to engage the people of Samoa in trade and commerce, followed from 1830 on by English missionaries;

Whereas in 1839, as part of a congressionally authorized trip to the Pacific, United States Navy commander Charles Wilkes visited the island of Tutuila and later reported favorably in support of establishing a structured relationship between the island and the United States;

Whereas on March 2, 1872, Richard Meade, commander of the U.S.S. Narragansett, visited Pago Pago, and, on his own responsibility, made an agreement with High Chief Mauga entitled ''Commercial Regulations, etc.,'' which was submitted to, but never ratified by, the Senate;

Whereas on February 13, 1878, a ''treaty of friendship and commerce with the people of Samoa'' was proclaimed ratified;

Whereas on June 14, 1889, a treaty known as the General Act of 1889, between the United States, Germany, and Great Britain, and assented to by the Samoan Government, ''to provide for the security of the life, property and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with the Islands of Samoa,'' was concluded and later ratified;

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on April 17, 1900, by treaty of cession, the traditional chiefs of the South Pacific Islands of Tutuila and Aunu'u agreed to become a part of the United States in return for protection of their land and culture, and the United States flag was raised on what is now known as the United States Territory of American Samoa;

Whereas on July 14, 1904, by treaty of cession, His Majesty the King of Manu'a and his traditional chiefs from the Islands of Ta'u, Ofu, and Olosega, agreed to become part of the United States in return for the protection of their land and culture;

Whereas since that time, the residents of American Samoa have been proud of their affiliation with this great Nation and have demonstrated their loyalty and patriotism in countless ways;

Whereas April 17 is known as Flag Day in American Samoa and is the biggest holiday in the territory, and is celebrated not only in American Samoa, but throughout the United States wherever there is a sizable Samoan community;

Whereas American Samoans in Hawaii, California, Nevada, Utah, Alaska, Washington, and other parts of the United States pause each year on this important date to celebrate this monumental occasion in American Samoa's history;

Whereas the per capita rate of enlistment in the Armed Forces among American Samoans is among the highest in the United States, with hundreds of American Samoans enlisting annually;

Whereas for decades American Samoa served as a Naval coaling station for United States ships in the Pacific, providing the Nation with what is commonly referred to as the best deep-water harbor in the entire Pacific—a harbor where American ships are protected from severe and sudden tropical storms by natural, high, sloping mountains—a harbor which, in the Nation's youth, served as a critical and crucial refueling and replenishing port for military and commercial interests, enabling the United States to pursue its foreign and commercial policies, logistically unrestrained, throughout the Asian Pacific region;

Whereas during World War II, American Samoa was the staging point for 30,000 United States Marines involved in the Pacific theater, with American Samoans serving both as hosts and as fellow soldiers to these Marines via the revered Fita Fita Guard;

Whereas American Samoa was the first land astronauts from numerous Apollo missions came to upon returning to Earth—including astronauts from Apollo 10, Apollo 12, Apollo 13, Apollo 14, and Apollo 17;

Whereas American Samoa produces more National Football League players per capita than any other State or territory of the United States, with approximately 15 Samoans currently playing professionally;

Whereas April 17, 2000, will mark the 100th anniversary of American Samoa joining in political, military, and economic union with the United States;

Whereas local government leaders in American Samoa have been preparing for this centennial celebration for the last three years; and

Whereas although 100 years have elapsed since the formation of this mutually beneficial relationship, American Samoans today—as did their forebears in 1900—remain deeply thankful and appreciative of the benefits they have received and continue to receive as a result of the unique relationship American Samoa shares with this great Republic, and they are proud that in return for the benefits received under this relationship, they actively contribute economically, militarily, and culturally to the health and well-being of this great Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of the centennial of the raising of the American flag over the United States Territory of American Samoa;

(2) acknowledges 100 years of American Samoa's loyalty and service to the United States; and

(3) reaffirms its commitment to the United States citizens and nationals of American Samoa for improved self-governance, economic development, and the expansion of domestic commerce, consistent with the desires of the people of American Samoa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, I urge my colleagues to support the resolution offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA), which commemorates the centennial of the raising of the United States flag over our South Pacific territory. The resolution also memorializes the long-term United States-American Samoa relationship and reaffirms the United States support for improved self-governance and economic self-sufficiency.

The people of American Samoa have been loyal to the United States for the past century. I believe this resolution is one way to recognize their consistent loyalty, and I urge all Members to approve the resolution.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for his management of this legislation. Mr. Speaker, April 17, 2000 marked the 100th anniversary of the first raising of the U.S. flag in the territory that has since become known as American Samoa. As best we can determine, it was some 3,000 years ago that my ancestors first set foot on the Samoan Islands. As you know, Polynesian navigators did not use satellite navigation, or even sextants to guide them.

They found their way across the vast Pacific by following the stars, the winds, and the seas. In 1768, the French explorer by the name of Louis Antoine de Bougainville, the second European to sight the Samoan Islands, became so impressed with the sailing skills of the Samoans that he named the islands L'Archipel des Navigateurs. For generations thereafter, the entire Samoan Island group was known to the Western world as the ''Navigator Islands.''

Captain Cook once made the remark that he had never been more impressed with the fact that from as far North as the Hawaiian Islands, and as far south as Aotearoa, New Zealand, and as far East as Rapa Nui or the Easter Islands that the settlements were made by Polynesians. I might also note, Mr. Speaker, with all due respect, Columbus got lost trying to find the new world and mistakenly named the native inhabitants of the Islands of the Caribbeans as Indians, because he thought he landed in India. At the time of Columbus, we were transversing the islands of Oceania—islands that are thousands of miles apart but that form the base of our culture and our traditions.

We had to be good navigators, Mr. Speaker, because Samoa is truly in the middle of the South Pacific Ocean. It is so remote that Europeans did not sight the islands until 1722. It is said that the Dutch explorer, Jacob Roggeveen, first sighted the Samoan Islands. I note here, Mr. Speaker, he did not discover the islands. He just sighted the islands because we were there already. Ironically, though, he miscalculated the location of the islands and they were not seen by another European for another 40 years. Even still, the experts did not believe it was possible for my ancestors to sail the great distances needed to travel between Samoa, the islands of Tahiti, the islands of Tonga, and the islands of Hawaii. But, as so often happens, the experts were proven wrong.

In 1987, Mr. Speaker, I played a small part in demonstrating how my ancestors traveled between the island groups when I sailed on the voyaging canoe Hokule'a. Our navigator for this voyage was a native Hawaiian by the name of Nainoa Thompson, probably our first Polynesia navigator in about 300 to 400 years. Mr. Speaker, he led us unerringly from French Polynesia to the islands of Hawaii using no modern navigational equipment. We were guided only by the winds and the seas and the stars. We ate the fruits of the sea and drank what the good Lord provided through rain.

Today, Mr. Speaker, the experts have reconsidered and Polynesia is once again experiencing a renewal of culture and tradition. You might be interested in knowing that the first real links between Samoa and the United States began as early as 1839, when, as part of a congressionally authorized trip, a U.S. Naval lieutenant by the name of Charles Wilkes visited the island of Tutuila and later reported favorably in support of an establishment of a structured relationship between the islands of Tutuila and the United States.

It was 39 years later before a treaty of friendship and commerce with the people of Samoa was proclaimed ratified. For the next 20 years, there were disagreements between the United States, Germany, and Great Britain over the administration of the Samoa Islands. The three countries tried a condominium approach of administrations set forth in the treaty known as the General Act of 1889, but the effort failed miserably.

In December 1899, a tripartite treaty between these same three countries divided the several islands of Samoa and the agreement was signed in Washington, D.C. Four months later, on April 17, 1900, by treaty of cession, the traditional chiefs of the islands of Tutuila and Aunu'u agreed to become a part of the United States in return for protection of their land and culture, and the United States flag was raised on what is now known as the United States Territory of American Samoa.

□ 1130

In 1904, again by treaty of cession, His Majesty, the King of Manu'a, and his traditional chiefs from the islands of Ta'u, Ofu, and Olosega agreed to become part of the United States in return for the protection of their land and their culture.

The United States has honored its end of these agreements, and the Samoan culture remains vibrant and strong in Samoa today. The United States has also protected the territory from foreign invasion when it was threatened in World War II. In fact, Samoa was a major staging area during World War II for U.S. troops.

Samoans have also been active participants in this U.S.-Samoan relationship. In the early years of the relationship, American Samoa served as a naval coaling station for the United States ships in the Pacific. For decades, American Samoa served as a critical refueling and replenishing fort for military and commercial interests, enabling the United States to pursue its international and commercial policies.

During World War II, when foreign powers were aggressively expanding spheres of influence in the Pacific, American Samoa was a staging area for

some 30,000 Marines, and American Samoans served also as fellow Marines during World War II. To this day, I continue to receive warm letters from World War II veterans trying to look up a Samoan friend from that period and reminiscing about the warm welcome Samoans provided for them.

American Samoans not only participated in World War II, but in every other conflict the United States has been involved in since World War I, with enlistment rates as high as any State or territory in our Nation.

Our remote location has at times, even in recent decades, been of value to our Nation. Before the space shuttle, astronauts from Apollo 10, 12, 13, 14, and 17 all first set foot on soil in American Samoa before returning home. Our clean air has even been beneficial to our Nation. NASA has conducted laser tests between Earth and the moon from American Samoa, and the National Weather Service maintains in American Samoa one of four stations in the world used to establish how clean air really can be.

Culturally, our songs and dances are known throughout the United States, and our local artists are developing their own following. Athletically, I feel we are up to the best. With a population of only 64,000 people, there are approximately 16 Samoans playing professional football in the United States. I see a growing number of talented teenagers, boys and girls, becoming successfully diverse in a number of sports throughout our country.

Over the last 100 years, American Samoa has moved from a decentralized form of government. Now we have an elected governor and a congressional representative in this great body.

House Resolution 443 recounts the history of American Samoa's historical relationship with our Nation. Mr. Speaker, I want to thank the Chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and the senior democrat on the committee, the gentleman from California (Mr. GEORGE MILLER), for their support on this legislation and all those colleagues who agreed to be cosponsors.

Samoans are a proud people, and American Samoans are very proud to be part of the United States. We hope we have given to our Nation as much as we have received. The resolution we are considering today recognizes that unique 100-year relationship between the two parties. I am honored to be American Samoa's representative here in the House of Representatives, and I urge my colleagues to support this resolution.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank my colleague for yielding me this time, and I join with my colleagues in congratulating the people of American Samoa.

I support the passage of this resolution, which expresses the sense of the House on the occasion of American Samoa's centennial celebration of the raising of the U.S. flag in their territory. I am delighted to be a cosponsor, and I know many of our colleagues express their support for this resolution.

Mr. Speaker, I want to thank the gentleman for all of the work that he does in the Congress, not just on behalf of the people of American Samoa and this resolution and so many other activities that he has engaged in, but he also shoulders a large responsibility in our Committee on Resources, both on many, many Native American issues and on our public lands issues, and I thank him for bringing this resolution to the floor.

Mr. Speaker, today I rise to greet the people of American Samoa with a warm Talofa and offer my support for the passage of H. Res. 443 which expresses the sense of the House of Representatives on the occasion of American Samoa's centennial celebration of raising the U.S. flag in their territory. I am delighted to be a cosponsor to this resolution and congratulate people of American Samoa on their continuing relationship with the United States.

One hundred years ago, the flag of the United States of America was raised on the South Pacific Islands of Tutuila and Aunu'u, what is now widely known as American Samoa. It was an act of friendship and understanding on behalf of the traditional chiefs of those islands that a new relationship with America would be beneficial for their people. For America, the sentiment was mutual.

The warmth and charm of American Samoa was not first witnessed however by Americans. Archeologists estimate that the settlement of the islands that comprise American Samoa occurred six hundred years before Christ. And for the next three thousand years, the inhabitants became stewards of the land and masters of the seas. In 1768, a French explorer was so impressed with the sailing skills of the natives that he named the islands ''L'Archipel des Navigateurs'' or the Navigator Islands.

In 1785, French navigator Jean Francois La Perouse commanded an expedition to explore the Pacific. Two years later, in 1787, he landed on the shores of the northern coast of Tutuila. This is the first recorded landing of foreigners on the islands of American Samoa. This encounter marked the ''opening up'' of American Samoa to the outside world and they became regular stops along trade routes of whale products, sandalwood, and beche-de-mer to China.

In 1839, the U.S. began to formally acknowledge the need for a relationship with the islands of Samoa. Recommendations from Navy Commander Charles Wilkes, who visited Samoa, to have a structured relationship with Samoa gave rise to increased visits from the U.S. military. Eventually, in 1878, a ''treaty of friendship and commerce'' with the people of Samoa was ratified by the U.S. Senate. Thus, the beginnings of America's connection with the people of Samoa were rooted in peace, friendship, and an interest towards improving their economy.

One hundred years ago, on April 17, 1900, this relationship deepened. It is why we are on this floor today—to recognize and celebrate this anniversary with the people of American Samoa. Through a treaty of cession, American Samoa was brought into the American family and has remained a valuable asset to this nation. Their service, sacrifice, and contribution to the continuing experiment of democracy is to be commended. In turn, our nation continues to assist the development of their economy while always being mindful of the importance of tradition and culture to their people.

American Samoan society of years past remains, much as it is today, with the leadership and affairs of the island and people entrusted to elders and high chiefs. They are the politicians and the negotiators for the people. The respect and trust accorded to their elders is an aspect of their culture that has stood the test of time. Despite the influence of westernization, the wisdom and leadership of their elders has kept their culture, traditions, and language intact.

As members of our American family, men and women of American Samoa have served in our military, contributed to the cultural diversity of our American community, and they continue to play a part in the political discourse of our nation. As much as American Samoa has enjoyed its relationship with the U.S., we should be equally grateful for their participation in our democracy. Surely, America would not be who she is today without the contributions made from the people of American Samoa.

It is an honor and a personal privilege to join the people of American Samoa in their centennial celebration and I commend them for their demonstrated patriotism throughout the past one hundred years.

I encourage full support from my colleagues for the passage of H. Res. 443.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the House Committee on International Relations, and I thank the gentleman from California (Mr. GEORGE MILLER) for his kind comments.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from American Samoa for yielding me this time, and I am pleased to rise in support of the gentleman's resolution celebrating the independence of American Samoa and the raising of the flag, the American flag, over 100 years ago.

American Samoa has been an important outpost for our Nation in many ways. Too often we forget about our Pacific friends as we concentrate on some of the European problems and some of the problems in other parts of the world. The gentleman from American Samoa (Mr. FALEOMAVAEGA) hosted our congressional delegation not too long ago when we all visited, and we had a very warm visit to American Samoa, my first visit, and he helped to educate a number of our Congressmen with regard to the importance of American Samoa.

So I am pleased to join with the gentleman in his resolution, Mr. Speaker.

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to thank my colleague, the gentleman from New York, for his kind comments.

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

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 443.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to express my thanks to the gentleman from Alaska, Chairman DON YOUNG, and the gentleman from American Samoa, Mr. FALEOMAVAEGA, for bringing H. Res. 443, the Centennial Raising of the American Flag in American Samoa, to the floor of the House of Representatives today.

The United States first made contact with the Samoan Islands in 1839 as a part of a congressionally authorized naval expedition to the South Pacific, led by Commander Charles Wilkes. From this expedition a number of agreements and treaties were formed that resulted in President McKinley issuing an executive order on February 19, 1900 placing the Eastern Group of Samoan Islands under the control of the Department of the Navy, establishing the authority of the United States to give the islands protection.

On April 17, 1900 the leaders of the Islands of Tutuila and Anunu'u signed instruments of cession to the United States, and the United States flag was raised at the United States naval station. Roughly four years later the King of Manu'a and the chiefs of the Manu'a Islands that now comprise the easternmost islands of American Samoa signed the last instrument of cession. In 1929 Congress recognized these acts of cession in law and delegated the authority for the administration of the islands to the President of the United States.

As Japan began emerging as an international power in the mid-1930's, the U.S. Naval Station on Tutuila began to acquire new strategic importance. By 1940, the Samoan Islands had become a training and staging area for the U.S. Marine Corps. It was this massive influx of Americans that gave Samoans a sudden taste of the benefits of a modern western society.

Mr. Speaker, H. Res. 443 recognizes the historical significance of the centennial raising of our flag over the United States Territory of American Samoa and reaffirms our commitment to improved self-governance, economic development and expansion of domestic commerce for the United States citizens and nationals of American Samoa.

One-hundred years later, the flag of our nation remains a beacon of hope to the troubled countries of the South Pacific and stands as a symbol of freedom and justice in the world.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and urge the Members to support the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the resolution, House Resolution 443, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

POPE JOHN PAUL II CONGRESSIONAL GOLD MEDAL ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3544) to authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3544

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 ''Pope John Paul II Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

The Congress finds that Pope John Paul II—

(1) is the spiritual leader of more than one billion Catholic Christians around the world and millions of Catholic Christians in America and has led the Catholic Church into its third millennium;

(2) is recognized in the United States and abroad as a preeminent moral authority;

(3) has dedicated his Pontificate to the freedom and dignity of every individual human being and tirelessly traveled to the far reaches of the globe as an exemplar of faith;

(4) has brought hope to millions of people all over the world oppressed by poverty, hunger, illness, and despair;

(5) transcending temporal politics, has used his moral authority to hasten the fall of godless totalitarian regimes, symbolized in the collapse of the Berlin wall;

(6) has promoted the inner peace of man as well as peace among mankind through his faith-inspired defense of justice; and

(7) has thrown open the doors of the Catholic Church, reconciling differences within Christendom as well as reaching out to the world's other great religions.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') 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 3 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, overhead expenses, and the cost of the gold medal.

SEC. 5. 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. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 4 shall be deposited in the Numismatic Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

Mr. Speaker, on rare occasions Congress awards the Congressional Gold Medal to persons who have contributed significantly to making the world more humane. This bill authorizes that such a medal be struck for the Pope.

John Paul II's dedication of his Pontificate to the freedom and dignity of every individual human being, his use of moral authority to hasten the fall of totalitarian regimes, his efforts to reconcile Christendom and reach out with respect to people of all faiths, and most of all his commitment to the teachings of Jesus Christ provide a model of grace to all peoples of the world.

In his first letter to the Corinthians, the Apostle Paul wrote, ''I have become all things to all, to save at least some. All this I do for the sake of the gospel, so that I too may share in it.''

Last Thursday, John Paul II celebrated his 80th birthday, and Saint Paul's observation is an appropriate summary of Karol Wojtyla's extraordinary trajectory on this earth, from the small town of his birth in Southern Poland, Wadowice, through the war years in Cracow, leadership of Cracow's Archdiocese during the difficult Communist times, finally to the Ministry of Peter in Rome. In this journey, he has left an indelible mark on his Church and the history of our times.

With the world watching, John Paul II has begun to show burdens of age, but he has lost none of the extraordinary vigor that has characterized the 21½ years of his Pontificate, one of the longest in church history.

On New Year's eve, for instance, he celebrated a long, formal Te Deum in Saint Peter's basilica, had dinner in his quarters with Vatican aides and friends, after which they all sang carols. At midnight, he appeared in his window and delivered his traditional New Year's greeting to an adoring crowd in Saint Peter's Square below.

Then he celebrated yet another mass, his first of the new millennium, in his private chapel. His staff was exhausted, but by 9 the next morning he was in another basilica in Rome leading another mass.

From the moment he became a priest in Cracow, Karol Wojtyla has conceived his role as a pastor, a representative of Christ on Earth who has to be seen by the faithful. Since he became Pope in October of 1978, he has made 92 pastoral trips abroad to 123 countries and territories, meeting more leaders and bringing the message of God to more people than any other Pontiff before him.

This year alone, he has been to Mount Sinai in Egypt, followed in Christ's footsteps in the Holy Land, and prayed at the Shrine of the Virgin Mary in Fatima, who he believes interceded to save his life when he was shot in Saint Peter's Square in 1981.

As a leader of a billion members of his faith, John Paul II is generally considered the preeminent religious leader in the world. But his moral authority goes beyond his church. It extends to all who seek a message of love and compassion, of dignity that defies materialism, of freedom of thought unconstrained by political oppression.

Above all, he has urged people all over the world never to give up hope. He likes to recall that his first words in Saint Peter's Square were an echo of Christ's exhortation, ''Be not afraid.'' Wherever he has traveled, John Paul II has championed human rights and individual dignity, both of which, in his view, include freedom of worship. With this definition of liberty, he turned the Church in his native Poland into a protector, not only of Catholics but of all citizens oppressed by communism, no matter their religion, if any. In so doing, he helped discredit the Communist system in Poland and bring about its downfall elsewhere in the world.

It used to be said in Poland that while he was the Archbishop of Cracow, the country's Communist leaders considered him their greatest threat. Likewise, in Moscow, once he became Pope. It is no accident that China's leaders have so far refused to allow him to conduct a pilgrimage in their country.

In traveling the world, John Paul II has reached out to the other great religions. Last month, he sought to bridge the historic divide between Christians and Jews. In a gesture of breathtaking eloquence in its simplicity, he placed a sheet of paper in a crack in Jerusalem's Western Wall: ''God of our fathers,'' he wrote, ''we are deeply saddened by the behavior of those who, in the course of history, have caused these children of yours to suffer; and asking your forgiveness, we wish to commit ourselves to genuine brotherhood with the people of the covenant.''

To exemplify his personal compassion, an elderly Israeli woman came forth during this historic pilgrimage. She recalled how she was one of the lucky ones who survived Hitler's concentration camps. Upon her release in 1945, she was placed on a train to return to her home in Cracow. When she arrived, barely able to stand, with hardly any flesh on her bones, she stumbled onto the station platform, and there a strong young man in priestly garb picked her up in his arms and carried her two miles to a place where she could be nurtured back to health. The priest was Karol Wojtyla.

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In times singularly bereft of leaders of high moral stature, John Paul II stands out, a Pontiff whose presence fills the great basilica of Saint Peter and radiates out beyond. In voting for this Congressional Gold Medal, we are honoring a historic figure, an individual whose conviction and morality have infused mankind with renewed self-confidence.

In closing, I would like to quote these words by John Paul II that I think express his soaring nobility:

''At the end of the second millennium, we need perhaps more than ever the words of the risen Christ: 'Be not afraid!' Man who, after Communism, has stopped being afraid and who truly has many reasons for feeling this way, needs to hear these words. Nations need to hear them, especially those nations that have been reborn after the fall of the Communist empire, as well as those who witnessed the event from outside. Peoples and nations of the entire world need to hear these words. Their conscience needs to grow on the certainty that Someone exists who holds in his Hands the key to death and the netherworld, Someone who is the Alpha and the Omega of human history, be it the individual or collective history. And this Someone is Love, Love that became man, Love crucified and risen, Love unceasingly present among men. It is Eucharistic Love. It is the infinite source of communion. He alone can give the ultimate assurance when He says 'Be not afraid!' ''

Mr. Speaker, John Paul II has sundered depotism and ennobled faith by displaying to fellow mortals the courage of conviction.

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

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

Mr. Speaker, I rise in support of H.R. 3544, and I associate myself with the eloquent remarks of our distinguished chairman, the gentleman from Iowa (Mr. LEACH), with regard to the awarding of a Congressional Gold Medal to Pope John Paul II.

Mr. VENTO. Mr. Speaker, I, of course, as I said, rise in support of this legislation.

Mr. Speaker, I would point out that Pope John Paul II chose his name from his two predecessors that reigned very briefly, Pope John Paul XXIII and Pope Paul VI. He has, of course, for the past 2 decades been the leader of a billion Catholics in the world, including myself. We are very proud of the work that he has done and the tremendous contributions he has made over the past 2 decades as we have seen the startling changes occur around the globe. He has been instrumental in his role in terms of leadership, positive leadership.

I have had the privilege when visiting in Rome with other Members of Congress to have audiences with the Pope, as so many of my colleagues have, and I am sure that they have been as impressed as I have been by his breadth of vision and leadership and the charge that he admonished us with with regards to our responsibility as elected officials, as well as, of course, our responsibility as citizens of the world.

He has certainly exemplified that role in his much-traveled work, his wonderful solidarity in spirit from his native Poland, one the first non-Italian popes to have served in a long time. And, of course, being an Italian-American, I'm very keenly aware of that ancestry and the special role that he had played.

But to observe and to witness the types of changes that have occurred in central Europe under the guidance and under his leadership and his contributions has really been a joy for all of us to behold.

I might point out that, while much traveled, he has obviously been a pioneer. His visit most recently I think in the last few years to Cuba, as an example, pointed out that he is a great risk-taker in terms of being willing to travel and to try and challenge the various governance and human rights questions around the world. And in our hemisphere, as well as in others, in Africa, his encyclicals with regards to social and economic justice, as well as with regards to life, have been of much use as we have tried to look for guidance and look for the finest values of our society and of humanity and spirituality.

So I strongly rise in support of this measure. I commend the chairman and the sponsors. I have been pleased to join as sponsor myself in this measure. I urge my colleagues to strongly support this measure.

Mr. Speaker, I include for the RECORD a detailed statement of our ranking member, the gentleman from New York (Mr. LAFALCE), and a statement by the gentleman from Pennsylvania (Mr. KANJORSKI) of the Committee on Banking, both of whom admire and strongly support this resolution. They have been called to the White House on a meeting. But for that, they would surely be here in honor to make this presentation by our side.

Mr. LAFALCE. Mr. Speaker, I am proud to rise today to honor a man whose enduring contributions to humanity will forever be etched in history: His Excellency, Pope John Paul II. As a spiritual leader of 1 billion Catholic Christians all over the world (millions of them in the United States), and an inspiring force for peace to people of all faiths, it is only fitting that we pay tribute to the Holy Father's

remarkable contributions to humanity. Pope John Paul II has touched the lives of many and continues to be a powerful and enduring force in fostering peace among nations, and in reconciling the three great religious faiths of the children of Abraham: Christianity, Judaism, and Islam. I am honored to stand before this House today, joining Catholics from my district, the U.S., the rest of the world, and people of all faiths, in recognizing this remarkable man's monumental contributions to humanity.

Karol Joseph Wojtyla was born 80 years ago in an industrial town near Cracow in Poland. In fact, the Holy Father just celebrated his 80th birthday this past Thursday, May 18th, during which he celebrated Mass, ate lobster with senior clergy in the Vatican, and sang songs with Polish compatriots. As a teenager during the Second World War, Karol Wojtyla experienced, first-hand, the horrors of Nazism, the Holocaust, and soon thereafter, Communist totalitarianism. ''I have carried with me the history, culture, experience and language of Poland,'' said the Pope once. ''Having lived in a country that had to fight for its existence in the face of the aggressions of its neighbors, I have understood what exploitation is. I put myself immediately on the side of the poor, the disinherited, the oppressed, the marginalized and the defenseless,'' said the Pope.

After considering a career as an actor, and even petitioning three times to become a Catholic monk, he was persuaded by the then-Archbishop of Cracow—who recognized his charisma, oratorical talents, and potential to help people directly—to pursue the priesthood. He was ordained as a Catholic priest in 1946, became Archbishop of Cracow in 1958, Cardinal in 1967, and was elected Pope by the Vatican's college of Cardinals in 1978 at the age of 58—the first non-Italian Pope since 1522.

The Holy Pontiff, by his own description, is a moral leader who believes in the sanctity of the human being. Over the years, he has denounced the excesses, and affronts to human dignity, of the two major competing social systems of the 20th century, communism and capitalism. He has condemned the atheistic and dehumanizing forces of Communism, which he experienced in Poland. And he has denounced the more unsavory aspects of modern capitalism, such as greed, abject poverty, selfishness, and secular atheism. According to his spokesman, the Holy Pontiff's goal is to establish a mode of Christian thinking to serve as a meaningful alternative to the humanist philosophies of the 20th century, such as Marxism and post-Modernism. His moral philosophy, and its impact on world affairs, earned him the honor of *Time* magazine Man of the Year of 1994, which described him as ''The most tireless moral voice of a secular age.''

Pope John Paul II's moral philosophy has brought much needed attention to the plight of the world's poor. In this vein, the Pope has called for substantial reduction or outright cancellation of the international debt that seriously threatens the future of many of the poorest nations. Inspired in part by the Pope's example, we are proud to have contributed to the enactment of international debt relief legislation last year, which was facilitated by the Jubilee 2000 Movement—through which the Holy Father has nurtured meaningful ecumenical cooperation.

Pope John Paul II has already left us a substantial body of written work that will nourish future generations with the wisdom and benevolence of this moral philosophy. In fact, his writings fill nearly 150 volumes. Through his encyclicals, homilies, letters, and other writings, this ''Pope of Letters'' has inspired the world to embrace universal principles of human dignity and human rights. In 1994, his popular volume of philosophical and moral ruminations, *Crossing the Threshold of Hope,* became an immediate best-seller in 12 countries.

The most traveled Pope in history, Pope John Paul II has brought his message of peace and reconciliation to 117 countries. In his most recent visit to Israel, for example, the Holy Father prayed at the Western Wall, one of Judaism's holiest sites. His prayer, an unprecedented act of contrition on behalf of Catholic Christians, read as follows: ''We are deeply saddened by the behavior of those who in the course of history have caused these children of Yours to suffer and, asking Your forgiveness, we wish to commit ourselves to genuine brotherhood with the people of the Covenant.'' And how can we forget his groundbreaking trip to Cuba in 1998? On that papal visit, he condemned the dehumanizing and immoral aspects of both Cuban communism and the outdated—and senseless—U.S. trade embargo. As customary, his words echoed in the farthest corners of the world.

Pope John Paul II understands one of the most fundamental Christian principles that has become a hallmark for fostering reconciliation: forgiveness. In one of the most remarkable acts of forgiveness ever witnessed publicly, the Holy Father confronted the man that attempted to assassinate him and forgave him for his grave sin.

The Holy Father's acts of compassion stem from his inherently benevolent nature. His compassion, charisma and moral authority are celebrated by leaders of other faiths. For instance, the Dalai Lama, the spiritual leader of the world's Buddhists, has said of the Pope: ''He really has a will and a determination to help humanity through spirituality. That is marvelous. That is good. I know how difficult it is for leaders on these issues.'' Rev. Billy Graham, a spiritual adviser to many U.S. presidents, has also said about the Pope: ''He'll go down in history as the greatest of our modern Popes. He's been the strong conscience of the whole Christian world.''

Mr. Speaker, when Pope John Paul speaks, whether to those gathered at St. Peter's Square at the Vatican, or in a Mass delivered in the backwaters of Cuba, the world listens. The world listens because he is the most powerful moral force in our lifetimes, an apostle for social justice, a champion of the poor, and a harbinger of peace. I urge the Congress to move swiftly on this legislation, so that we can bestow this well deserved gold medal to His Holiness Pope John Paul II, at the dawn of the New Millennium and the Jubilee 2000 celebration.

Mr. KANJORSKI. Mr. Speaker, I rise to express my strong support for H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. I am a cosponsor of this notable legislation that would award Pope John Paul II with a gold medal in recognition of his many powerful and enduring contributions to international peace and religious understanding. This bill is also necessary to honor a man who has served not only as a spiritual leader to Catholic Christians in the United States and around the World, but also as a political champion for human rights.

In the more than 20 years of his papacy, John Paul II has been an exemplar of the power of faith against the forces of intolerance and corruption. His support of the Solidarity trade union in his native Poland in the early 1980s, combined with his unwavering support of Catholics living in the former Soviet Bloc nations and his steadfast opposition to the communist regimes suppressing their beliefs, contributed immeasurably to the eventual collapse of those oppressive systems.

Pope John Paul II has additionally been a tireless worker for international peace, traveling hundreds of thousands of miles in order to share his spiritual messages with millions of individuals like myself. In October 1995, during his visit to the United States and the United Nations, I had the opportunity to meet with the Pope John Paul II and learn firsthand more about his good work.

The Pope's effort have also proven instrumental in virtually all of the World's major conflicts of the past two decades. He brought his message to Central America in the 1980's during its period of revolution and bloodshed. He spread his message to fight apartheid in South Africa, tribal war in Central Africa, and genocide in the Balkans. In an effort to relieve them of their pain, he has traveled to these places to show them he shares in their loss and despair. Most recently, Pope John Paul II served as counsel in bringing together Israelis and Palestinians in a non-denominational effort to cease the brutal conflict that has plagued these two peoples for far too long.

This legislation is appropriate in light of the fact that many entities around the world that have similarly honored the Pope. From being designed as the Time Magazine's ''Man of the Year'' in 1994 to serving as the namesake of a Catholic grade school in my hometown of Nanticoke, Pennsylvania, Pope John Paul II has received many honors. I coincidentally have the good fortune of being visited today by 28 students in the graduating 8th Grade class at Pope John Paul II School. I am therefore very pleased that we are at this time taking up this legislation to honor the great man for whom their institution is named.

In closing, Mr. Speaker, in recognition of his 80th birthday and his leading the Catholic Church into its Third Millennium, we should acknowledge the important accomplishments Pope John Paul II has made to our World during his lifetime. I encourage all Members of the House to support this bill.

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

Mr. LEACH. Mr. Speaker, let me thank my good friend, the gentleman from Minnesota (Mr. VENTO), for his thoughtful observations.

Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from New York (Chairman GILMAN).

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

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

Mr. Speaker, I am pleased to rise; and it is an honor and privilege to associate myself with the legislation offered by the gentleman from Iowa (Mr.

LEACH), which honors one of the most remarkable individuals alive today, who is also one of most influential persons in all of world history.

His Holiness Pope John Paul II celebrated his 80th birthday just last week. The entire world expressed fellowship and congratulations upon his reaching this milestone. It is an appropriate time, therefore, to pay tribute to him by this measure.

The minting of a gold medal in his honor is a timely way that we in the Congress, on behalf of all of the people in our Nation, can thank this saintly man for his guidance and inspiration throughout the years. His pontificate was the longest of the 20th century and is a beacon of leadership as we begin the 21st century.

His Holiness was born in Wadowice, Poland, in 1920, just a short time after his homeland gained its long-sought independence.

Karol Joseph Wojtyla, as he was known then, suffered under the Nazi occupation of his nation, as did all of his generation. He was active in an underground organization which helped Jewish people seek refuge from the Nazis. It was his actions at that time, what he observed and what he learned during World War II, that inspired him to enter the priesthood. He was ordained on November 1, 1946 and, in October 1978, was elected the first non-Italian Pope since 1522, taking the name John Paul II to honor his three immediate predecessors.

In 1981, His Holiness was a victim of a dastardly assassination attempt. Although he was hospitalized for 2½ months, his steely courage, coupled with his splendid physical condition honed by a lifetime of athletics, allowed his full recovery.

Throughout the past 22 years, Pope John Paul II has been an inspiration to all of us and is universally beloved.

Mr. Speaker, the coinage of a gold medal in Pope John Paul's memory is an appropriate way to begin this new century. I strongly urge our colleagues to fully support this measure.

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

Mr. Speaker, I wanted to mention that my colleague, the gentleman from Pennsylvania (Mr. KANJORSKI), was hoping, as I said, to be here to speak in support of the bill and was unexpectedly summoned to the White House, as I indicated. If he had been here, the gentleman from Pennsylvania (Mr. KANJORSKI) would have mentioned that Pope John Paul II is the namesake of a Catholic grade school in his hometown of Nanticoke, Pennsylvania.

Coincidentally, he has the good fortune of being visited today by 28 students in the graduating 8th grade class at Pope John Paul II School, who may have been here earlier but may have had to leave.

In any case, I wanted to mention that.

Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I, too, would like to stand here to extend my warmest congratulations and expression of appreciation to the chairman of the committee, the gentleman from Iowa (Mr. LEACH), for his leadership in bringing this important legislation before our colleagues for their approval.

I also want to thank our ranking member, the gentleman from New York (Mr. LAFALCE), and our good friend, the gentleman from Minnesota (Mr. VENTO), for this legislation.

Mr. Speaker, it is only appropriate that we honor one of the greatest spiritual giants of the world today, Pope John Paul II but not only because he is a spiritual leader to some one billion Catholics around the world but also for the fact that he stands as an example of a great Christian in teaching spiritual values which cut through political ideology, which is something that I have always admired about this great Christian leader of the world.

Mr. Speaker, long before he became the Bishop of Rome, Pope John Paul II was known as Karol Jozef Wojtyla, a young boy from Poland. According to biography, Wojtyla's childhood was not happy. By the age of twelve, he had lost his mother, brother and sister. Before he was ordained to the priesthood, he lost his father. In the interim, World War II ravaged Europe. When the Germans began rounding up Polish men, Wojtyla took refuge in the archbishop of Krakow's residence. He remained there until the end of the war.

In 1946, Wojtyla was ordained to the priesthood. He earned two master's degrees and a doctorate. In 1978, the Sacred College of Cardinals chose Wojtyla as the next pope after the death of John Paul I.

Mr. Speaker, Pope John Paul II became the first pope to visit a synagogue and the first to visit the Holocaust memorial at Auschwitz. According to one report, in ending the Catholic-Jewish estrangement, he calls Jews "our elder brothers."

I would like to offer even a little gesture to our majority leadership by extending an invitation to Pope John Paul II to have a joint session of the Congress and have this great leader address us, because I think we all need his guidance and certainly some of the examples that he will share with us, and perhaps a few words or a sentence can be added into this resolution to extend that invitation to Pope John Paul II to address this great body and to our Nation.

Mr. Speaker, again, I want to thank my good friend, the chairman of the committee, for his leadership in bringing this legislation. I urge my colleagues to support this bill.

Mr. VENTO. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), who has been one of our leaders on the debt relief program championed by the Jubilee 2000, which is, of course, one of the major initiatives of Pope John Paul II.

Mr. BACHUS. Mr. Speaker, I appreciate the kind words of the gentleman from Minnesota (Mr. VENTO).

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from American Samoa (Mr. FALEOMAVAEGA). The people of Alabama and the people of American Samoa both share a love for Pope John Paul II.

Mr. Speaker, I rise in support of this bill introduced by my good friend, the gentleman from Iowa (Chairman LEACH), to award the Congressional Gold Medal to Pope John Paul II.

Pope John Paul II was born in Poland on May 18, 1920, and is said to be the most recognized person in the world. He is by far the most traveled Pope in the 2000-year history of the Roman Catholic Church, having visited almost every continent and country where he personally addressed tens of millions of people on almost each visit.

Pope John Paul II is one of the most important statesmen, diplomats, and political figures of our time. But he is far more. He is a great pastor, evangelist, and witness of Christianity. As spiritual leader to the world's one billion Catholics, the Pope has commenced a great dialogue with modern culture that transcends the boundaries of political or economic ideologies that has dominated the world since the beginnings of modernity in the 1700s.

He is one of the most prolific writers in this century. His writings have made great contributions in the area of theology, philosophy, sociology, politics, culture, and science. Having witnessed firsthand the brutal inhumanity of Nazi and Communist regimes, the Pope understands the true dignity of each human being. He has heroically opposed the offences against human dignity that have tragically marked the 20th century.

As much as any single person of this century, John Paul II has worked to protect the rights of each individual and to promote respect and understanding between cultures, nations, and peoples.

To truly find world peace, the Pope encourages all people to answer the most important question we face: What is the ultimate truth about man and his relationship to God?

As part of his pastoral work, the Pope has consistently identified the moral challenges facing free societies and the importance of resolving those challenges. The Pope has tirelessly preached against the dangers of unreasonable and unfettered license that pays no respect to the dignity of each person. His prophetic voice in the defense of the unborn, the aged, and the marginalized is well known. His defense of the dignity of all persons serves as a guideline for all Americans on how to treat each other with respect, based not on mere sentiment but on the deep and true respect for the image of God in each person.

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His ability to harmonize faith and reason sheds light on difficult public

and ethical issues that plague modern society. John Paul's pastoral leadership gives hope and courage for millions of Catholics and countless others in America who struggle to sanctify their lives in the midst of the modern secular world.

In conclusion, Mr. Speaker, there is no question the Pope has been a beacon of light and witness to hope for countless millions. It is only appropriate to recognize these accomplishments and to show our appreciation by awarding him the Congressional Medal of Honor.

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

I want to belatedly wish the Pontiff a happy birthday. His 80th birthday was last week. This is an appropriate way for us to recognize that as well. We hope he has many more.

Mr. SMITH of New Jersey. Mr. Speaker, today we honor Pope John Paul II, who in his 20 years as leader of the Catholic Church has become pastor to the world, boldly proclaiming the Gospel—the Good News of Jesus Christ—and its message of love, hope, and reconciliation. The Holy Father walks the path to peace that surpasses understanding, the road that leads to Heaven. How appropriate it is that we honor him with a Congressional Gold Medal, as he just celebrated his eightieth birthday last week. Even after eight decades of doing the Lord's work here on earth, the Pope's charisma and steadfast faith shine brightly, giving hope to millions of people of all faiths.

During his pontificate the Holy Father has made an astonishing 176 visits to 117 different countries, he speaks some eight languages, and has written 13 incisive encyclicals. He is truly a world leader, and an unparalleled champion of those who cannot speak for themselves: the poor, the unborn, those condemned to death, and those whose basic rights as children of God are trampled upon by oppressive regimes. He waged an unrelenting crusade against the forces of atheistic Communism, and continues to preach the message of life, hope, and love amid the oppressive tide of the culture of death. Pope John Paul II's encyclical ''The Gospel of Life'' (Evangelium vitae) reminds all of us—especially those in public service—that the gift of human life is so precious, so full of dignity, that it must remain inviolable and be defended against all manner of violence.

The Pope writes in that important document that:

> This is what is happening also at the level of politics and government: the original and inalienable right to life is questioned or denied on the basis of a parliamentary vote or the will of one part of the people—even if it is the majority. This is the sinister result of a relativism which reigns unopposed: the ''right'' ceases to be such, because it is no longer firmly founded on the inviolable dignity of the person, but is made subject to the will of the stronger part.

And elsewhere in Evangelium vitae Pope John Paul II states in unambiguous terms:

> Abortion and euthanasia are thus crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection . . . In the case of intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to ''take part in a propaganda campaign in favor of such a law, or vote for it.''

In the Kingdom of God, that civilization of life which John Paul II has so fervently sought to build, there is no place for the systematic killing of unborn children.

My family and I have had the awesome privilege of meeting the Holy Father: in Newark, New Jersey, in the crowd in 1979 at New York's Shea Stadium, and most recently in Guatemala. I have personally witnessed and been inspired on numerous occasions by his power that comes from being so rooted in God, and so devoted to the service of others. Pope John Paul II is truly the Vicar of Christ on earth, a man who has, and continues, to faithfully and courageously walk in the shoes of the Fisherman, Peter.

It is said that the Holy Father has had no personal bank account since being ordained a priest over 50 years ago. He has truly stored up treasure in heaven, and we are all better people for his untiring work here on earth.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of legislation, H.R. 3544, that would provide a Congressional Gold Medal, on behalf of Congress, to Pope John Paul II. As a cosponsor of this legislation and a member of the House Banking Committee, I believe that this Congressional medal would be an appropriate honor for Pope John Paul II who has served as the leader of the Catholic Church since 1978.

In order to be fiscally prudent, this legislation also includes a provision stipulating that the cost of this medal should come from the Numismatic Public Enterprise Fund and cannot exceed $30,000. In addition, this legislation authorizes the sale of duplicate coins to be deposited into the Numismatic Public Enterprise Fund to repay it for this donation.

On May 18, 2000, the Holy Father celebrated his 80th birthday. This Congressional Medal will help ensure that Pope John Paul II receives recognition for the public service that he has provided to all Catholics around the world. From his boyhood home of Krakow, Poland, Pope John Paul II has never forgotten his roots. As a young man during World War II, he witnessed the deportation of tens of thousands of Polish Jews and Christians to Nazi death camps. This experience made an indelible impression on the man who would become Pope John Paul II. Just this year, in his first trip to the Holy Land, he eloquently addressed survivors of the Holocaust. At Israel's Holocaust memorial, Yad Vashem, Pope John Paul II assured the Jewish people that the Catholic Church is deeply saddened by the hatred, acts of persecution and displays of anti-Semitism directed against the Jews by Christians at any time and in any place.

Pope John Paul II has made great contributions to mankind. For example, this year the Holy Father lead an effort to reduce the poverty among the poor by calling for the reduction or outright cancellation of the international debt that is burdening the world's poorest nations as part of the Jubilee 2000 project. I am pleased that Congress, with my support, included this international debt relief legislation in last year's omnibus appropriations bill. This law will ensure that the world's poorest nations have much of their debt forgiven and instead invest their scarce funds to rebuild domestic health and education programs.

Pope John Paul II should also be recognized for his written works that inspire the world to embrace universal principles of human dignity and human rights. Some of his famous works include ''Notificationes,'' published in 1971. In 1981, he published the Encyclical Letter, Laborem Exercens on Human Work. In 1982, he published the Apostolic Letter, Caritatis Christi about the role of the church in China. In 1984, he published the Apostolic Letter, Salvific Doloris on the Christian Meaning of Human suffering.

Pope John Paul II worked tirelessly with the Solidarity movement in Poland to oppose communism. In 1980 and 1981 he met with Lech Walesa of the Polish Independent Syndicate Solidarnosc. He also traveled to Poland on several occasions to encourage democracy in his birthplace. In 1991, he met with Lech Walesa again, as the new President of the Polish Republic.

Pope John Paul II has also worked tirelessly to bring his message of peace and reconciliation to the world. In 1969, he visited the parish of Corpus Domini and made a visit to the Jewish Community and the Synagogue in the Kazimierz section of Krakow. He has traveled to 117 countries to pray with Catholics around the world. He recently traveled to Jerusalem in Israel to the Western Wall. In 1998, he traveled to Cuba to celebrate mass with that nation's Catholic parishioners.

I urge my colleagues to support this initiative to honor Pope John Paul II, the Holy Father, with a Congressional Gold Medal.

Mr. BLILEY. Mr. Speaker, I am proud to cosponsor and support H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. Over the years, Pope John Paul II has become one of the world's greatest moral and spiritual forces of all time. I admire His Holiness' efforts to foster peace and promote justice, freedom, and compassion throughout his life. In his travels around the world, Pope John Paul II has inspired millions of people of all faiths and races because of his strong desire for peace and brotherhood.

I had an opportunity to attend a private mass with His Holiness. Afterwards, His Holiness remarked to me, ''Congressman, God bless Ronald Reagan.'' Those five words speak volumes about a collaborative partnership between Pope John Paul II and President Reagan to rid the world of the evils of Soviet communism.

Without the help of His Holiness, America and her allies would not have been successful in our efforts to free the world from Soviet communism. Millions of citizens around the world owe Pope John Paul II a debt of gratitude for his valiant efforts.

I want to thank His Holiness for his life and apostolate because he is a man of peace whose words for a more just society inspire us all. His Holiness is a deserving recipient of the Congressional Gold Medal because he has done so much to help our troubled world.

Mr. REYES. Mr. Speaker, I rise in support of awarding the Congressional Gold Medal to Pope John Paul II. It is difficult to talk briefly about a man who has done so much since being elected to succeed Pope John Paul I in 1978. So, let me make these few comments. Pope John Paul II has worked tirelessly to unite the people of different countries and different religions, regardless of their color or their politics. He did this as a youth, as a professor at Catholic University of Lublin, as the

Archbishop of Krakow and continues to do so as the head of the Roman Catholic Church.

He is said to be the most recognized man in the world. In fact he was named ''Man of the Year'' in Time magazine in 1994. But, that is not why I stand before you. I stand before you because this man has dedicated his life to the salvation of others.

I still remember when he was chosen by the College of Cardinals. There was a great deal of discussion about him, not because he was selected to become the Pope, but rather because he was the first non Italian Pope since 1522 and because he was only 58 years old. Now, twenty-two years later, neither his birth place nor his age are part of the discussion. I think that there is a lesson for all of us in that fact.

I support this award because Pope John Paul II has reached out to the people of this planet. He encourages fraternity and encourages people to live the gospel. And, in the final analysis, he has made the world a better place for us to live. I cannot think of a better reason for this body to give this or any award.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a great man, Karol Jozef Wojtyla. Now known to the world as Pope John Paul II, this leader of the Catholic Church has championed the cause of promoting human rights and eliminating poverty and hunger around the world. Called by some the man of the century, John Paul II has been unafraid to articulate his vision of a better world and has the passion and integrity to work toward that goal. The bottom line in the debate over the nature of truth and freedom, he argues, is the sanctity of all humans who are created equal and are endowed by their Creator with certain unalienable rights, including life and liberty—as written in our very own Declaration of Independence.

He was also a key figure at a pivotal juncture in world history. As a Cardinal in Poland, he was a shrewd and unflinching opponent of communism, advancing the church's agenda without allowing outright hostility and repression to develop.

As Pope, his support of the Solidarity movement was instrumental in the downfall of the government.

Today, just over nineteen years after a would-be assassin shot him on May 13, 1981, we vote to award Pope John Paul II with the Congressional Gold Medal. I ask all Members and the world to acknowledge his faith, his intellect and his wonderful contributions.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. As you know this bill would authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding.

Born Karol Wojtyla in Wadowice, Poland in 1920, Pope John Paul II has remained a leading champion of human rights around the world, and a strong moral leader for us all. Ordained in 1946, Pope John Paul II spent eight years as a professor of social ethics at the Catholic University of Lublin, Poland. In 1964, he was named the archbishop of Krakow and only three years later he was appointed cardinal by Pope Paul VI. As the Archbishop of Krakow, he would prove himself to be a noble and trustworthy pastor in the face of Communist persecution.

On October 16, 1978, Cardinal Wojtyla was elected Pope. He took the name of his predecessors, and became the first Polish leader of the Roman Catholic Church and the youngest Pope in this century. In this capacity—as our society has grappled with serious social questions, Pope John Paul II has dealt with them in such a way as to maintain a peaceful and fair world order. In fact, over the last 50 years, he has remained a dedicated servant to the world. Throughout his many travels, he has promoted peace, nuclear disarmament, and the conquering of world hunger among other things. In addition, he has remained a beacon of strength and hope for every world citizen he comes into contact with.

As a result, I fully support this act and urge my colleagues to authorize the Congressional Gold Medal in honor of Pope John Paul II. God bless you and God Bless America.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today as a proud cosponsor and strong supporter of H.R. 3544, to award a Congressional Gold Medal to Pope John Paul II for his outstanding leadership in promoting peace and understanding across the globe. Pope John Paul II is one of the greatest humanitarians of all time and this special award is a testament to his successful life's work in making the world a better and safer place.

Pope John Paul II has been a revolutionary in the world of religion. He has been a spiritual leader to over one billion Catholic Christians around the globe. He has served as an inspiration to millions of American Catholics and non-Catholics alike.

Pope John Paul II has led the charge to unify not only diverse sects of Christianity, but also to bridge the gaps between all respected religious peoples throughout the world.

Over the years, Pope John Paul II has traveled the world as a ''warrior of peace.'' His tireless effort to bring people together of different faiths has demonstrated to the rest of the world the wonderful possibilities of the good that can and will prevail when people of diverse, sometimes seemingly bipolar backgrounds begin to listen to one another too long.

From the United States to developing nations, Pope John Paul II has traversed the globe with a message of hope and freedom as our New Economy's prosperity continues to beat down the plight of poverty.

Pope John Paul II should be commended for his work in promoting democracy and for the demise of communism throughout Europe. Being such an outspoken leader in the battle of good versus evil enabled Pope John Paul II to play a critical role in the debate which lead to the fall of the Berlin Wall. Time and time again, Pope John Paul II spoke up and defended liberty and justice wherever totalitarian regimes have arisen.

Mr. Speaker, thank you very much for bringing consideration of this legislation to the House Floor. Pope John Paul II is a deserving recipient of this special award, as he has been a leader in promoting peace and democracy throughout the world. With that said, I am privileged to join my colleagues in support of awarding Pope John Paul II the Congressional Gold Medal.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3544, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEACH. 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. 3544.

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

There was no objection.

VETERANS AND DEPENDENTS MILLENNIUM EDUCATION ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes, as amended.

The Clerk read as follows:

S. 1402

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans and Dependents Millennium Education Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

(c) REFERENCES TO TITLE 38, 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 repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—(1) Section 3015 is amended—

(A) in subsection (a)(1), by striking ''$528'' and inserting ''$720''; and

(B) in subsection (b)(1), by striking ''$429'' and inserting ''$585''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000, and before October 2002 under section 3015 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting ''$600'' for ''$528''; and

(B) subsection (b)(1) of such section shall be applied by substituting ''$487'' for ''$429''.

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal years 2001 and 2003.

SEC. 3. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

''(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

''(2) A qualified individual referred to in paragraph (1) is an individual who meets the following requirements:

''(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

''(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

''(C) The individual meets the requirements of subsection (a)(3).

''(D) The individual is discharged or released from active duty with an honorable discharge.

''(3)(A) Subject to succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

''(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

''(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

''(I) the Secretary concerned shall collect from the qualified individual, or

''(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

''(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

''(C) The provisions of subsection (c) shall apply to individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

''(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

''(A) the Secretary concerned collects the applicable amount under subparagraph (I) of such paragraph, or

''(B) the retired or retainer pay of the qualified individual is first reduced under subparagraph (II) of such paragraph.

''(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.''.

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking ''subsection (a)'' and inserting ''subsection (a) or (e)''.

SEC. 4. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—(1) Section 3532 is amended—

(A) in subsection (a)(1)—

(i) by striking ''$485'' and inserting ''$720'';

(ii) by striking ''$365'' and inserting ''$540''; and

(iii) by striking ''$242'' and inserting ''$360'';

(B) in subsection (a)(2), by striking ''$485'' and inserting ''$720'';

(C) in subsection (b), by striking ''$485'' and inserting ''$720''; and

(D) in subsection (c)(2)—

(i) by striking ''$392'' and inserting ''$582'';

(ii) by striking ''$294'' and inserting ''$436''; and

(iii) by striking ''$196'' and inserting ''$291''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3532 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting—

(i) ''$600'' for ''$485'';

(ii) ''$450'' for ''$365''; and

(iii) ''$300'' for ''$242'';

(B) subsection (a)(2) of such section shall be applied by substituting ''$600'' for ''$485'';

(C) subsection (b) of such section shall be applied by substituting ''$600'' for ''$485''; and

(D) subsection (c)(2) of such section shall be applied by substituting—

(i) ''$485'' for ''$392'';

(ii) ''$364'' for ''$294''; and

(iii) ''$242'' for ''$196''.

(b) CORRESPONDENCE COURSE.—(1) Section 3534(b) is amended by striking ''$485'' and inserting ''$720''.

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3534(b) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3534 of such title, subsection (b) of such section shall be applied by substituting ''$600'' for ''$485''.

(c) SPECIAL RESTORATIVE TRAINING.—(1) Section 3542(a) is amended—

(A) by striking ''$485'' and inserting ''$720'';

(B) by striking ''$152'' each place it appears and inserting ''$225''; and

(C) by striking ''$16.16'' and inserting ''$24''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3542(a) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3542 of such title, subsection (a) of such section shall be applied by substituting—

(A) ''$600'' for ''$485'';

(B) ''$188'' for ''$152'' each place it appears; and

(C) ''$20'' for ''$16.16''.

(d) APPRENTICESHIP TRAINING.—(1) Section 3687(b)(2) is amended—

(A) by striking ''$353'' and inserting ''$524'';

(B) by striking ''$264'' and inserting ''$392'';

(C) by striking ''$175'' and inserting ''$260''; and

(D) by striking ''$88'' and inserting ''$131''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3687(b)(2) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3687 of such title, subsection (b)(2) of such section shall be applied by substituting—

(A) ''$437'' for ''$353'';

(B) ''$327'' for ''$264'';

(C) ''$216'' for ''$175''; and

(D) ''$109'' for ''$88''.

(e) PROVISION FOR ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) CHAPTER 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

''§ 3564. Annual adjustment of amounts of educational assistance

''With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

''3564. Annual adjustment of amounts of educational assistance.''.

(2) CHAPTER 36.—Section 3687 is amended by adding at the end the following new subsection:

''(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to fiscal year 2002 and each fiscal year beginning on or after October 1, 2003.

SEC. 5. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking ''subsection (b) of this section'' and inserting ''subsections (b) and (c)''; and

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) When determining the effective date of an award of survivors' and dependents' educational assistance under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary shall consider the individual's application (under section 3513 of this title) as having been filed on the effective date from which the Secretary, by rating decision, determines that the individual is entitled to such educational assistance (such entitlement being based on the total service-connected disability evaluated as permanent in nature, or the service-connected death, of the spouse or parent from whom the individual's eligibility is derived) if that date is more than one year before the date such rating decision is made.

''(2) An individual referred to in paragraph (1) is a person who is eligible for educational assistance under chapter 35 of this title by reason of subparagraph (A)(i), (A)(ii), (B), or (D) of section 3501(a)(1) of this title who—

''(A) submits to the Secretary an original application under such section 3513 for such educational assistance within one year of the date that the Secretary issues the rating decision referred to in paragraph (1);

''(B) claims such educational assistance for an approved program of education for months preceding the one-year period ending on the date on which the individual's application under such section was received by the Secretary; and

''(C) would have been entitled to such educational assistance for such course pursuit for such months, without regard to this subsection, if the individual had submitted such an application on the effective date from which the Secretary determined the individual was eligible for such educational assistance.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act, or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs or (B) exhaustion of available administrative and judicial remedies.

SEC. 6. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

''(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the terms preceding and following the period are not shorter in length than the period.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 7. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) IN GENERAL.—Sections 3452(b) and 3501(a)(5) are each amended by adding at the end the following new sentence: ''Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.''.

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

''(g) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

''(c) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

''(h) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

''(f) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—

(1) IN GENERAL.—Chapter 36 is amended by inserting after section 3688 the following new section:

''§ 3689. Approval requirements for licensing and certification testing

''(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or section 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the relevant provisions of this part and with such regulations promulgated by the Secretary to carry out this section.

''(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

''(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

''(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, or

''(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of

knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(2) A licensing or certification test offered by a State, or a political subdivision of the State, is deemed approved by the Secretary.

''(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, and that meets the following requirements shall be approved by the Secretary to offer such test:

''(A) The organization or entity certifies to the Secretary that each licensing or certification test offered by the organization or entity is required to obtain the license or certificate required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered such tests for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

''(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license of certificate issued.

''(D) The organization or entity has no direct financial interest in—

''(i) the outcome of a test, or

''(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

''(E) The organization or entity maintains appropriate records with respect to all candidates who take such a test for a period prescribed by the Secretary, but in no case for a period of less than three years.

''(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

''(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to a test the organization or entity offers or the process for obtaining a license or certificate required for vocations or professions.

''(G) The organization or entity furnishes to the Secretary such information with respect to a licensing or certification test offered by the organization or entity as the Secretary requires to determine whether payment may be made for the test under this part, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

''(H) The organization or entity furnishes to the Secretary the following information:

''(i) A description of each licensing or certification test offered by the organization or entity, including the purpose of each test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

''(ii) The requirements to take such a test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

''(iii) The period for which the license or certificate awarded upon successful completion of such a test is valid, and the requirements for maintaining or renewing the license or certificate.

''(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

''(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests, and

''(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

''(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

''(d) ADMINISTRATION.—(1) Except as otherwise specifically provided in this section or part, in implementing this section and making payment under this part for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

''(2) The Secretary shall use amounts appropriated to the Department in fiscal year 2001 for readjustment benefits to develop the systems and procedures required to make payments under this part for a licensing or certification test, such amounts not to exceed $3,000,000.

''(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the 'Committee').

''(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under this part, and such other related issues as the Committee determines to be appropriate.

''(3)(A) The Secretary shall appoint five individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee, of whom—

''(i) one shall be a representative of the Coalition for Professional Certification,

''(ii) one shall be a representative of the Council on Licensure and Enforcement, and

''(iii) one shall be a representative of the National Skill Standards Board (established under section 503 of the National Skill Standards Act of 1994 (20 U.S.C. 5933)).

''(B) The Secretary of Labor and the Secretary of Defense shall serve as ex-officio members of the Committee.

''(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

''(4)(A) The Secretary shall appoint the chairman of the Committee.

''(B) The Committee shall meet at the call of the chairman.

''(C)(i) Members of the Committee shall serve without compensation.

''(ii) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

''(5) The Committee shall terminate December 31, 2006.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

''3689. Approval requirements for licensing and certification testing.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000, and apply with respect to licensing and certification tests approved by the Secretary on or after such date.

SEC. 8. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2008''.

(b) HOME LOAN FEES.—Section 3729(a) is amended—

(1) in paragraph (4)(B)—

(A) by striking ''2002'' and inserting ''2008''; and

(B) by striking ''2003'' and inserting ''2009''; and

(2) in paragraph (5)(C), by striking ''October 1, 2002'' and inserting ''October 1, 2008''.

(c) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2008''.

(d) INCOME VERIFICATION AUTHORITY.—Section 5317(g) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

(e) LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.—Section 5503(f)(7) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

SEC. 9. CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) CODIFICATION OF RECURRING PROVISIONS.—(1) Section 313 is amended by adding at the end the following new subsections:

''(c) COMPENSATION AND PENSION.—Funds appropriated for Compensation and Pensions are available for the following purposes:

''(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 13, 51, 53, 55, and 61 of this title.

''(2) Pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of this title and section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

''(3) The payment of benefits as authorized under chapter 18 of this title.

''(4) Burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payments of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.), and other benefits as authorized by sections 107, 1312, 1977, and 2106 and chapters 23, 51, 53, 55, and 61 of this title and the World War Adjusted Compensation Act (43 Stat. 122, 123), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87–875 (76 Stat. 1198).

''(d) MEDICAL CARE.—Funds appropriated for Medical Care are available for the following purposes:

''(1) The maintenance and operation of hospitals, nursing homes, and domiciliary facilities.

''(2) Furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department, including

care and treatment in facilities not under the jurisdiction of the Department.

''(3) Furnishing recreational facilities, supplies, and equipment.

''(4) Funeral and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

''(5) Administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

''(6) Oversight, engineering, and architectural activities not charged to project cost.

''(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

''(8) Uniforms or uniform allowances, as authorized by sections 5901 and 5902 of title 5.

''(9) Aid to State homes, as authorized by section 1741 of this title.

''(10) Administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of this title and Public Law 87–693, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

''(e) MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:

''(1) The administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law.

''(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

''(3) Engineering and architectural activities not charged to project costs.

''(4) Research and development in building construction technology.

''(f) GENERAL OPERATING EXPENSES.—Funds appropriated for General Operating Expenses are available for the following purposes:

''(1) Uniforms or allowances therefor.

''(2) Hire of passenger motor vehicles.

''(3) Reimbursement of the General Services Administration for security guard services.

''(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.

''(5) Administration of the Service Members Occupational Conversion and Training Act of 1992 (10 U.S.C. 1143 note).

''(g) CONSTRUCTION.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available, with respect to a project, for the following purposes:

''(1) Planning.

''(2) Architectural and engineering services.

''(3) Maintenance or guarantee period services costs associated with equipment guarantees provided under the project.

''(4) Services of claims analysts.

''(5) Offsite utility and storm drainage system construction costs.

''(6) Site acquisition.

''(h) CONSTRUCTION, MINOR PROJECTS.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

''(1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

''(2) temporary measures necessary to prevent or to minimize further loss by such causes.''.

(2)(A) Chapter 1 is amended by adding at the end the following new section:

''§ 116. Definition of cost of direct and guaranteed loans

''For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of any such loan, including the cost of modifying any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''116. Definition of cost of direct and guaranteed loans.''.

(b) EFFECTIVE DATE.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a)(1), and section 116 of such title, as added by subsection (a)(2), shall take effect with respect to funds appropriated for fiscal year 2002.

SEC. 10. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INAPPLICABILITY OF PRIOR REPORTS TERMINATION PROVISION TO CERTAIN REPORTS OF THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following sections of title 38, United States Code: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d).

(b) REPEAL OF REPORTING REQUIREMENTS TERMINATED BY PRIOR LAW.—Sections 8111A(f) and 8201(h) are repealed.

(c) SUNSET OF CERTAIN REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT ON EQUITABLE RELIEF CASES.—Section 503(c) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(2) BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.—Section 541(c)(1) is amended by inserting ''through 2003'' after ''each odd-numbered year''.

(3) BIENNIAL REPORT OF ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by inserting ''through 2004'' after ''each even-numbered year''.

(4) BIENNIAL REPORTS ON MONTGOMERY GI BILL.—Subsection (d) of section 3036 is amended to read as follows:

''(d) No report shall be required under this section after January 1, 2005.''.

(5) ANNUAL REPORT OF SPECIAL MEDICAL ADVISORY GROUP.—Section 7312(d) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(d) COST INFORMATION TO BE PROVIDED WITH EACH REPORT REQUIRED BY CONGRESS.—

(1) IN GENERAL.—(A) Chapter 1, as amended by section 9(2)(A), is further amended by adding at the end the following new section:

''§ 117. Reports to Congress: cost information

''Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

''(1) a statement of the cost of preparing the report; and

''(2) a brief explanation of the methodology used in preparing that cost statement.''.

(B) The table of sections at the beginning of such chapter, as amended by section 9(2)(B), is further amended by adding at the end the following new item:

''117. Reports to Congress: cost information.''.

(2) EFFECTIVE DATE.—Section 117 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1402.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, the committee amendment to S. 1402 is H.R. 4268, the Veterans and Dependents Millennium Education Act. This bill was favorably reported by the Committee on Veterans' Affairs on May 11.

Last year, the report of the congressional commission on service members and veterans transition assistance, better known as the Principi Commission, indicated that substantial increases in veterans' education programs are needed. The Committee on Veterans' Affairs agreed with that assessment. H.R. 4268 would take our first steps to improve veterans' education benefits as recommended in the commission report. It would increase the Montgomery GI Bill from $536 to $600 per month on October 1, 2000, and to $720 a month on October 1, 2002. Educational assistance benefits for survivors and dependents would be raised at the same amount.

H.R. 4268 would also furnish individuals still on active duty the option to convert to Montgomery GI Bill eligibility if they were eligible for the post-Vietnam era Veterans' Educational Assistance Program. More needs to be done on this to bring the Montgomery GI Bill benefits in line with the rising cost of education, but this bill is a good start. We have worked closely with the Committee on the Budget on this legislation, which is paid for under the pay-go requirements of the Budget Act. I want to personally thank the gentleman from Ohio (Mr. KASICH) for his support of this proposal and for working to include it in the budget resolution.

I urge my colleagues to support passage of S. 1402, as amended.

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

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

First, I want to thank the gentleman from Arizona (Mr. STUMP) for his leadership on this legislation before us today. I am optimistic that the House will enact legislation to increase the Montgomery GI Bill basic monthly benefit and make other improvements to this important veterans' readjustment program. I am very pleased that the person who provided the inspiration for this program, Sonny Montgomery, has joined us today. We appreciate his attendance. We are very pleased that he came up with the idea of the new GI Bill, and we will work with him in the future.

I also want to recognize the other gentleman from Mississippi (Mr. SHOWS) for his determined advocacy for veterans. He is a leader on veterans' educational benefits and health care for our retirees. On behalf of our veterans, I want to thank him for his leadership on these and many other important issues. I also welcome the support of the administration for needed benefit increases in the Montgomery GI Bill. The administration has proposed to increase the basic monthly benefit to $670 per month effective October 1 of this year. That would provide a very significant 25 percent increase in the monthly benefit.

I think every member of our committee believes that this increase is needed, long overdue, and a step in the right direction. The administration's support for benefit increases in the GI Bill is very welcome, and I look forward to working with them in the future.

Last year, the gentleman from Arizona and I introduced separate measures to improve the Montgomery GI Bill. The legislation I authored with the gentleman from Michigan (Mr. DINGELL), H.R. 1071, is cosponsored by 143 Members of our House of Representatives. This includes a large representation of the Members, and it is a great honor to support the gentleman from Arizona's leadership on this issue. H.R. 1071 would provide the meaningful increase in educational benefits I believe our Nation should provide to the women and men who serve our country in the Armed Forces by restoring the GI Bill's purchasing power. Mr. Speaker, we know H.R. 4268 is only the first step toward improving the Montgomery GI Bill program in a meaningful way. This legislation does comply with pay-go. Congress can enact it. It will provide real benefit increases for veterans and their dependents. That is why I hope the House will approve this unanimously today.

Mr. Speaker, first, I want to thank Chairman STUMP for his leadership on the legislation before us today. I am optimistic that Congress will enact legislation to increase the Montgomery GI Bill basic monthly benefit and make other improvements to his important veterans' readjustment program. I also want to recognize the gentleman from Mississippi, RONNIE SHOWS, for his determined advocacy for veterans. He is a leader on veterans' educational benefits and health care for our military retirees. On behalf of our veterans, I thank him for his leadership on these and so many other important issues.

Mr. Speaker, I also welcome support from the Administration for needed benefit increases in the Montgomery GI Bill. The Administration has proposed to increase the basic monthly benefit to $670 per month effective October 1st this year. This would provide a very significant 25% increase in the monthly benefit. I believe every Member of the Committee on Veterans Affairs believes this increase is needed, long overdue, and represents a step in the right direction. I look forward to working with the Administration in the future as we move forward with the subsequent steps necessary to restore the original purchasing power to the GI Bill.

Last year, Chairman STUMP and I introduced separate measures to improve the Montgomery GI bill. The legislation which I authored with Congressman DINGELL, H.R. 1071, is cosponsored by 143 members of the House. H.R. 1071 provides the meaningful increase in educational benefits I believe our nation should provide the women and men who serve our country in the Armed Forces.

Historically, the MGIB program has been the most important recruiting incentive for the armed services. But the value of these benefits has failed to keep up with the spiraling costs of higher education. Enhancements to rectify this problem with the MGIB are long overdue. I strongly agree with the report of the Congressional Commission on Service members and Veterans Transition Assistance, which concluded ". . . an opportunity to obtain the best education for which they qualify is the most valuable benefit our Nation can offer the men and women whose military service preserves our liberty." I applaud the Commission's bold, new plan for the MGIB. This proposal, however, must be further strengthened and enhanced if the MGIB is to fulfill its purposes as a meaningful readjustment benefit and as an effective recruitment incentive for our Armed Forces. Since implementation of the Montgomery GI Bill on July 1, 1985, there have been major changes in the economic and sociological landscapes that make revisions in the structure and benefit level of this program imperative.

Of immediate concern is the ineffectiveness of the MGIB as a readjustment program for service members making the transition from a military to a civilian workforce. Although costs of education have soared, nearly doubling since 1980, GI Bill benefits have not kept pace. In fact, during the 1995–96 school year, the basic benefit paid under the MGIB offsets only a paltry 36 percent of average total education costs, and the disappointingly low usage rate of 51% for 1998 confirms the inadequacy of the current program's benefit levels.

Under current law, young men and women who serve in our Armed Forces have the option of enrolling in the MGIB when they enter the military. This includes their agreement to a $100 per month pay reduction during the first 12 months of service, for a total contribution of $1200. Once their initial term of service has been honorably served, a veteran is eligible to receive the basic educational benefit of $536 each month he or she is enrolled in full-time college study. The benefit continues for up to 36 months. Assuming he or she is enrolled for a typical nine-month academic year, the veteran's total benefit for that year is $4,824. With this modest amount he or she is expected to pay for tuition, fees, room and board.

The average annual cost of tuition and basic expenses at a four-year public college is $8,774 for commuter students and $10,909 for students who live on campus. Not surprisingly, the same annual costs for four-year private colleges are even higher: $20,500 for commuter students and $23,651 for residents. the disparity between these ever-increasing costs and a veteran's ability to pay for them is clear. This disparity recently prompted key military and veteran organizations to join together with organizations representing colleges to form the "Partnership for Veterans' Education." The coalition launched an energetic campaign calling for Congress to at least go as far as increasing the basic benefit under the MGIB to $975 per month, enough to cover the $8,774 average annual cost of attending a four-year public college as a commuter student.

As I've stated already, H.R. 4268 will not meet these overwhelming education costs standing on its own. It is an important step in the right direction, though, as Congress seeks to find ways to fully restore the GI Bill's purchasing power to what was originally intended. As introduced, section two of H.R. 4268 would increase the basic benefit under the GI Bill from $536 to $600 per month on October 1, 2000 and to $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. Section three would furnish individuals still on active duty who either turned down a previous opportunity to convert to the MGIB or had a zero balance in their Vietnam era Veterans' Education Assistance Program (VEAP) account, the option to pay $2,700 to convert to MGIB eligibility.

Section four would increase survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 per month effective October 1, 2000, and $720 per month effective October 1, 2002, with proportionate increases from part-time students. An annual cost of living adjustment is also authorized.

Section five would permit the award of Survivors' and Dependents' Educational Assistance payments to be retroactive to the date of VA's adjudication of a service-connected death or a 100% disability rating. Section six would solve a problem that faces a small number of students whose schools have different schedules. It would allow for monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks in duration. Section seven would allow the use of Montgomery GI Bill

benefits to pay for fee associated with a veteran's civilian occupational licensing or certification examination.

To offset the costs of H.R. 4268, section eight of the bill as introduced, would extend temporary authorities to 2008 that would otherwise expire on September 30, 2002. These include a VA enhanced loan asset authority guaranteeing the payment of principal and interest on VA-issued certificates or other securities; VA home loan fees of three-quarters of 1 percent of the total loan amount, procedures applicable to liquidation sales on defaulted home loans guaranteed by VA; VA/Department of Health and Human Services income verification authority in which VA verifies the eligibility of, or applicants for, VA needs-based benefits and VA means-tested medical care by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service; and limitation on VA pension on veterans without dependents receiving Medicaid-covered nursing home care.

In addition, section nine of the bill would codify recurring provisions in annual VA appropriations acts, and section ten would reinstate the requirements that the Secretary provide periodic reports. Specifically, these concern reports on equitable relief granted by the Secretary to an individual beneficiary (expires December 31, 2004); work and activities of the Department; programs and activities examined by the Advisory Committees on Former Prisoners of War and Women Veterans (expires after biennial reports submitted in 2003); operation of the Montgomery GI Bill educational assistance program (expires December 31, 2004); and the activities of the Secretary's special medical advisory group (expires December 31, 2004). In addition, section ten requires the Secretary to include with any report an estimate of the cost of preparing the report.

The current structure of the MGIB served the veterans of the second half of the 20th century very well. However, the MGIB must now be re-examined in the context of a January, 1999 report by he Departments of Commerce, Labor, and Education, the Small Business Administration, and the National Institute for Literacy. This report, entitled ''21st Century Skills for 21st Century Jobs,'' has important implications for veterans entering the civilian workforce. Emphasizing the importance to the nation of investing in education and training, the report concluded changes in the economy and workplace are requiring greater levels of skill and education than ever before. It predicted eight of the ten fastest growing jobs in the next decade will require college education or moderate to long-term training, and jobs requiring a bachelor's degree will increase by 25%. The report also noted workers with more education enjoy greater benefits, experience less unemployment and, if dislocated, re-enter the labor force far more quickly than individuals with less education. It also reports that, on average, college graduates earn 77% more than individuals with only a high school diploma. If America's veterans are to successfully compete in the challenging 21st century workforce, they simply have to have the ability to obtain the education and training critical to their success. As noted by the Transition Commission, ''. . . education will be the key to employment in the information age.''

According to the 1997 Department of Defense report entitled ''Population Representation in the Military Services,'' 20% of the new enlisted recruits for that year were African American, 10% were Hispanic, 6% were other minorities, including Native Americans, Asians, and Pacific Islanders, and 18% were women. The report further notes that, although members of the military come from backgrounds somewhat lower in socioeconomic status than the U.S. average, these young men and women have higher levels of education, measured aptitudes, and reading skills than their civilian counterparts. These young people, most of whom do not enter military service with financial or socioeconomic advantages, have enormous potential, and it is in the best interests of the nation they be given every opportunity to achieve their highest potential. Access to education is the key to achieving that potential. It is also important to remember that, through the sacrifices required of them through their military service, this group of young Americans—more than any other—earns the benefits provided for them by a grateful nation.

Of equal concern to me as a member of the Armed Services Committee is the MGIB program's failure to fulfill its purpose as a recruitment incentive for the Armed Forces. Findings of the 1998 Youth Attitude Tracking Study (YATS)—confirm that recruiters are faced with serious challenges, and these challenges are likely to continue. This survey of young men and women, conducted annually by the Department of Defense, provides information on the propensity, attitudes and motivations of young people toward military service. The latest YATS shows the propensity to enlist among young males has fallen from 34% in 1991 to 26% in 1998, in spite of a generally favorable view of the military. In addition to a thriving civilian economy, which inevitably results in recruiting challenges, the percentage of American youth going to college is increasing and the young people most likely to go to college express little interest in joining our Armed Forces. Interestingly, these same youth note that if they were to serve in the military, their primary reason for enlisting would be to earn educational assistance benefits.

The study concluded the propensity to enlist is substantially below pre-drawdown levels and, as a result, the services will probably not succeed in recruiting the number of young, high-quality men and women they need in FY 1999. High-quality youth are defined as those who have a high school diploma and who have at least average scores on tests measuring mathematical and verbal skills. The Department of Defense tells us about 80% of these recruits will complete their first three years of active duty while only 50% of recruits with a GED will complete their enlistment. GAO notes that it costs at least $35,000 to replace a recruit who leaves the service prematurely. The report states these findings underscore the need for education benefits that will attract college-bound youth who need money for school, a segment of American young people we conclude are not opting to take advantage of the many other sources of federal education assistance. The current structure and benefit level of the MGIB must be significantly amended if these high quality young men and women are to be attracted to service in our Armed Forces.

The Army has been missing its enlistment goals several times now. Additionally, for the first time since 1979, the Air Force may be missing its targets too. Although the Navy and Marine Corps are currently meeting their enlistment goals, they will likely miss them in the future unless we take quick and effective action. The CINC, U.S. Atlantic Fleet, Admiral Paul Reason, recently reported to the Senate Armed Services Committee that the last three carrier battle groups have deployed with forces below the required manning level. Specifically, the U.S.S. *Theodore Roosevelt* battle group deployed last year with 9% of its positions unfilled. These are strong indications of a coming readiness crisis, and we must not ignore these disturbing signals.

Many factors have come together to create what could soon develop into a recruiting emergency. First, our thriving national economy is generating employment opportunities for our young people. Additionally, young Americans increasingly see a college education as the key to success and prosperity. In 1980, 74% of high school graduates went to college but, by 1992, that percentage had risen to 81% and is increasing. As a result, the military must compete head-to-head with colleges for high-quality youth. As I have mentioned already, the percentage of young Americans who are interested in serving in the Armed Forces is also shrinking. Make no mistake about it—the strength of our Armed Forces begins and ends with the men and women who serve our nation. Just as education is the key to a society's success or failure, it is also key to the quality and effectiveness of our military forces—and the MGIB increases included in this substitute budget resolution are a step in the right direction toward providing that key.

Veterans are not using the MGIB benefits they earned through honorable military service, and high-ability, college-bound young Americans are choosing not to serve in the Armed Forces. Significant changes in the program will increase program usage and will enable the military services to recruit the smart young people they need. Accordingly, several bills have been introduced in both the House and the Senate during the 106th Congress that would significantly improve the MGIB. The Senate has twice passed legislation that included numerous changes designed to enhance educational opportunities under the

MGIB, and other bills have been introduced. In the House, MGIB legislation has been introduced by Mr. STUMP, Chairman of the House Veterans' Affairs Committee, Mr. SHOWS, and me, the Ranking Democrat on the Committee. H.R. 4268 is the most likely of these legislative initiatives to be passed by the House and move forward. Mr. Speaker, we know H.R. 4268 is only the first step that needs to be taken to improve the MGIB program. H.R. 4268 does comply with pay-go and should be enacted by Congress. It will provide real benefit increases for veterans and their dependents. For this reason, Mr. Speaker, I strongly urge the House to vote unanimously in favor of the Veterans and Dependents Millennium Education Act.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. I thank the gentleman from Arizona for yielding me this time.

Mr. Speaker, I am pleased to rise today in support of the amendment to S. 1402. On April 13, the gentleman from Arizona (Mr. STUMP), the gentleman from Illinois (Mr. EVANS), and 21 members of the Committee on Veterans' Affairs introduced the Veterans and Dependents Millennium Education Act, H.R. 4268, which was the culmination of over 16 months of effort.

Mr. Speaker, I would like to take some time now to be specific about what is in this bill and how it helps almost immediately close to a half a million of our veterans and their families. This excellent bipartisan bill improves the veterans' readjustment and military recruitment aspects of the Montgomery GI Bill. In fact, I believe it builds on the wisdom and foresight of the revered individual and our friend, Sonny Montgomery, who is with us this morning for whom Congress named the all-volunteer force Educational Assistance Program back in 1987.

S. 1402, as amended, then will help hundreds of thousands of veterans, service members and their families; and it will do so right now. For over 300,000 veteran-students now using the Montgomery GI Bill and young Americans contemplating service in our all-volunteer force, effective October 1 of this year, the bill increases the basic Montgomery GI Bill benefit from $536 per month, as was mentioned, to $600 per month. On October 1, 2002, it increases this basic benefit to $720 per month. Each of these improvements have proportional increases for part-time students and for those who enlist for only 2 years. Currently, the Montgomery GI Bill provides $19,296 in benefits over 4 years. Over the next 4 years, our bill increases this amount to $23,760, an increase of over $4,400.

This bill will be welcome news for 137,000 active-duty service members who either previously turned down an opportunity to convert from the post-Vietnam era Veterans Educational Assistance Program, which has come to be known as VEAP, to the Montgomery GI Bill or who had a zero balance in their VEAP account previously. For a $2,700 buy-in, these individuals will receive full Montgomery GI Bill benefits. We have also structured in the bill the buy-in so service members who retire as of April 1 of this year and later will also be eligible.

We will help about 48,000 survivors and dependents of veterans who died or are permanently disabled as the result of military service. We will increase their monthly benefits to go to college from $485 per month to $600 per month effective this October and to $720 per month 2 years in the future. We will also help about 360 veteran-students attending Ohio University and hundreds of veterans at other colleges around the country. These are colleges that take an extended term break between Thanksgiving and New Year's, for example.

This measure would allow veteran-students to be paid for the 40-day term interval just as student-veterans with a 30-day interval or less. Lastly, we will help about 25,000 service members who are discharged from the military each year who need a civilian license or certification to enter, maintain, or advance their vocation or profession. They will be able to use their Montgomery GI Bill benefits to pay for these examinations, which sometimes average to be $150 each or more. All told, about a half a million, 519,000 veterans, survivors and service members will benefit from this measure during the first year of its enactment.

Mr. Speaker, the spending associated with the bill is budget neutral over 5 years. We have identified offsets by eliminating sunset dates on certain provisions, including veterans home loan fees, liquidation sales on defaulted home loans, authority for VA to access IRS data for determining eligibility for veterans' pension benefits and limitations on pensions for some veterans in nursing homes who are eligible for Medicaid coverage instead.

Forty-two veterans, military service and higher education organizations have supported and endorsed the bill. In closing, this morning's bill is only the first step. Indeed, we had lengthy discussions at the full committee during the markup that it is not all that we want to do, but it is what we can do right now and make a difference. We look forward to continuing our work with veterans, military, and higher education associations in the partnership for veterans' education to find ways to continue to improve Montgomery GI Bill benefits.

Mr. Speaker, I strongly encourage my colleagues this afternoon to support S. 1402, as amended. I also want to close by thanking the gentleman from Illinois (Mr. EVANS) and the gentleman from Arizona (Mr. STUMP) who have served together on the Committee on Veterans' Affairs now for almost 19 years for their enduring commitment on veterans issues. Today's bill we see is an excellent example of their strong bipartisan leadership on behalf of our Nation's service members and veterans.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

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

I have to be honest with my colleagues, Mr. Speaker. I am disappointed in this bill. I know the deep commitment that the gentleman from Arizona (Mr. STUMP), the gentleman from Illinois (Mr. EVANS), and the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, have for the veterans of this Nation. I know they want to do what is best for our veterans. But the Veterans and Dependents Millennium Education Act, S. 1402, does not come even close to where we need to be for an effective educational benefit for our veterans today. If this is a bill for the millennium, it is a bill for the last millennium.

Let me try to show that through the history that our committee has gone through. The previous speakers have talked about the congressional Commission on Service Members and Veterans Transition Assistance, which reported its work to the Congress more than a year ago. That commission said that the biggest single thing we can do for our veterans in terms of benefits is to make the Montgomery GI Bill really relevant to their education and pick up the full cost of college education plus a decent stipend.

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In fact, that would be a great inducement to recruitment, which, as we all know, is falling behind today.

Everybody on our Committee on Veterans' Affairs applauded that recommendation and said we ought to move forward with it. The gentleman from Illinois (Mr. EVANS), the ranking member of the committee, introduced H.R. 1071, which said that the recommendations of that Transition Commission were accepted. That bill would pay for the full cost of tuition, fees, books, and supplies, and, in addition, a stipend of $800 a month. The gentleman from Arizona (Mr. STUMP) put forward a bill which was almost as good. His bill, H.R. 1182, would have paid for 90 percent of a veteran's tuition cost.

When those of us on the committee and the veterans and education community recognized we would have to take steps toward that and could not do it all at once, the gentleman from Mississippi (Mr. SHOWS) introduced H.R. 4344, which had a broad coalition backing of 47 organizations which represented veterans of our Nation, the military and the higher education community. The bill of the gentleman from Mississippi (Mr. SHOWS) would reimburse veterans for the cost of attending a 4-year public college as a commuter student, and that worked out for this year to a monthly stipend of $975.

That stipend of $975 should be compared with the $600 that is in the current bill. We can do better. The gentleman from New York (Mr. QUINN) said this is something we can do right now, we can do the bill of the gentleman from Mississippi (Mr. SHOWS) right now. We have the funds to do that.

The bill before us just will not accomplish what the Montgomery GI Bill set out to do and what the Transition Commission recommended. The $536 that a veteran gets now does not go very far considering the cost of higher education. In fact, the increase to $600 has already been eaten up by the inflationary pressures that are faced by our colleges. If you compare that with the $300 a month that was the benefit back in 1985, you can see how the benefit has not kept up with current demands.

Today, when America's economy is booming, when our budget is in great surplus, I have a hard time looking veterans in the eye and telling them to pursue a degree with the kind of money that the Montgomery Bill gives them today. It comes up short when you compare it to the cost of higher education. All our veterans know it, we know it, the committee knows it, and all of you here said that you know it. You see this as a first step.

Now, I know that, as I said, our leadership on the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), the gentleman from New York (Mr. QUINN), the gentleman from Illinois (Mr. EVANS) on the Democratic side, we all want to do more, and I certainly will work with both of you, all of you, in the months ahead to provide the kind of education benefits that our veterans deserve and this new millennium demands.

People have said that our former member, Sonny Montgomery, great chairman of the committee, is with us in the Chamber. We salute him, we salute the bill to which he gave his name, the Montgomery GI Bill. Let us really honor Sonny Montgomery by significantly, in the months ahead, improving this benefit for our veterans.

Mr. STUMP. Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the full committee, the dean of our delegation, for yielding me time.

Mr. Chairman, I rise as the vice chairman of the Subcommittee on Benefits, thanking the chairman of the subcommittee for his comments, thanking the ranking member for his comments, and acknowledging that, in a free society, dealing with difficult questions, at times there are those who are frustrated because, in their minds, perfection is alluded. Let me suggest, Mr. Speaker, to all those within the sound of my voice, and especially my colleagues here today, we will never achieve perfection. Indeed, one of the challenges we confront is how to best shape and prioritize the very serious constitutional missions that we have.

Mr. Speaker, I believe it is important for this Congress to reaffirm support for men and women in uniform who confront shortages in terms of ammunition, in terms of training, in terms of their dependence, and those are other questions with which we must deal.

Would, Mr. Speaker, that all of us here could show the same allegiance to those currently wearing the uniform as we profess for veterans. But let us turn to the question of those currently in uniform and one of the reasons I rise in strong support of this legislation. It is something that my colleague from New York, the chairman of the subcommittee, pointed out; the fact that now we have provided provisions for those service members who are unable to convert their funds to the Montgomery GI Bill during the 1997 open window to do so with this. First, individuals who had no money in their VEAP accounts, often because their service branch advised them to transfer their VEAP dollars to an interest-bearing account; and secondly, those who had some money in their VEAP account and did not convert because they did not know of the opportunity.

So it is in this spirit that we take that step today, not only mindful of our good friend from Mississippi who joins us, the former chairman of this committee, but also speaking volumes about the leadership of my good friend from Arizona and the ranking member from Illinois, and that we do not let the perfect become the enemy of the good, but we stand tall for this important legislation to help current service members and veterans receive the educational benefits they deserve.

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

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS), a member of the committee.

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

Mr. GIBBONS. Mr. Speaker, I would like to thank the chairman of the full committee, the gentleman from Arizona (Mr. STUMP), a veteran himself, who has been a dedicated individual for veterans rights, for granting me the time to speak on this bill.

Mr. Speaker, I am honored to rise today in support of S. 1402 and this important update to the historic Montgomery GI Bill, a bill which was originally sponsored by my good friend, Sonny Montgomery from Mississippi, who is present with us today.

I think it is an honor for all of us to have an opportunity to help educate hundreds of thousands of veterans and service members and their families. This bill will go a long way, especially addressing some of the needs of our guard and reserve members as well. Best of all, it will help them now.

Mr. Speaker, America is proud, and rightly so, of its tradition of defense by its citizen soldiers; and we in this Congress are, for the first time, beginning to reverse decades of declining resources dedicated to equipping our soldiers, sailors, airmen and Marines for their combat roles. This bill now under consideration does the same for equipping them in advancing their educational goals.

This budget-neutral bill will increase the Montgomery GI stipend by a third over 2 years, it will increase the monies available to surviving families of deceased service members, and it will provide the licensing or certification of funds for veterans who are integrating into the civilian workforce.

Mr. Speaker, I join the gentleman from Arizona (Chairman STUMP); the ranking member, the gentleman from Illinois (Mr. EVANS); and the chairman of the Subcommittee on Benefits (Chairman QUINN) in urging your support for the strong and much deserved bipartisan Veterans and Dependents Millennium Education Act.

Mr. STUMP. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of our Committee on International Relations.

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

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

Mr. Speaker, I rise today in strong support of S. 1402, the Veterans and Dependents Millennium Act, and I thank the distinguished chairman of our committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP) for his continual support of our veterans and for bringing this measure to the floor at this time; along with the subcommittee chairman, the gentleman from New York (Mr. QUINN); and the ranking minority member, the gentleman from Illinois (Mr. EVANS) for giving us the opportunity to consider this measure.

I want to add my compliments to the former Congressman, the former chairman of the Committee on Veterans' Affairs, Mr. Montgomery, who has been the father and major proponent of the GI Bill. We are pleased he is here with us today.

The purpose of this bill is to bring the various education benefits afforded to veterans to a level more in line with today's increasingly expensive higher education opportunities. Specifically, the legislation increases the monthly Montgomery GI Bill rate from $536 a month to $600 a month, beginning in October of this year. That amount increases to $720 a month starting in October of 2002. The bill also increases survivors and dependents educational assistance, which is so important.

Mr. Speaker, the GI Bill is arguably the most profound and far-reaching piece of legislation enacted by Congress in the 20th Century. It has helped many of us here in the Congress. The program, first implemented after World War II, single-handedly afforded

a college education to millions of working class men and women who served during the war, and, in doing so, it helped to transform America in the post-war years, leading to the baby-boom and the rise in middle-class suburbia.

This measure is the latest of several bills passed in the last 50 years to bring the benefits of the GI Bill to levels that reflect the contemporary costs of higher education. Consequently, current and future generations are going to be able to enjoy the tangible benefits of a college education as a result of their service in the military of their country. Accordingly, I urge my colleagues to support this worthy and timely legislation.

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

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member on the Committee on Veterans' Affairs, for all of his hard work on this bill, and also his own bill, which would have benefitted the veterans very much. I would like to thank the gentleman from New York (Mr. QUINN) and the Subcommittee on Benefits for the work they have done on this bill. My appreciation is extended to the leadership for allowing us to present this bill today. It is fitting we have a veterans benefits bill on Memorial Day for our ceremonies throughout the country. This is a bipartisan bill, and I urge Members to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 1402, The Veterans and Dependents Millennium Education Act. As you know, this bill will assist veterans and their family in attaining enhanced educational assistance.

Since inception in 1944, educational benefits for our nation's veterans have opened the doors to post-secondary education opportunities for millions. Specifically, The Montgomery GI Bill (MGIB) has been one of our nation's leading and most effective programs. Millions of our nation's military personnel and their dependents have been able to afford a post-secondary education, who might otherwise not have been able to if not for the MGIB.

Under the Montgomery GI Bill, military officers accept a reduction in their base pay of $100 per month for 12 months. In exchange, they become entitled to 36 months of education benefits after they complete their period of service or receive an honorable discharge from the Armed Forces.

This program has enhanced our nation's competitiveness and military readiness by helping to develop a more educated and productive workforce and assisted the Armed Services in recruiting and retaining the high quality individuals they need to attract to the military. According to the Secretary of Veterans Affairs, Togo D. West, ''new recruits to the Armed Forces cite money for college as the major reason given for enlisting.'' As a matter of fact, some 96% of new recruits to the Armed Forces sign up to participate specifically in the GI Bill.

However, despite the wisdom and foresight of this meaningful educational assistance program, the MGIB has lost its effectiveness as both a readjustment and recruitment tool. The amount available under the MGIB is not enough to compensate youth for the time spent and risk involved in military service. In fact, since 1985, about 95 percent of service members have paid $1,200 to participate in the MGIB; nevertheless, only about half of these members have used their MGIB. Clearly, the time has come for Congress to intervene and make this bill viable again for our military members, their dependents and our nation.

S. 1402 will make this meaningful program viable once. Specifically, this bill will increase the MGIB from $536 to $600 per month on October 1, 2000, and $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. Second, this bill will equip individuals still on active duty, who have turned down a previous opportunity to convert to the MGIB or have had a zero balance in their Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) account, the option to pay $2,700 to convert to MGIB eligibility. Third, the bill will increase survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 per month, and authorize an annual cost-of-living adjustment for them. Finally, S. 1402 will allow MGIB benefits to pay the fee for a veteran's civilian occupational licensing or certification examination. Nevertheless, I hope this Congress will soon move to fully fund our veterans who desire to seek opportunities for higher education.

I believe that S. 1402 will assist our nation in securing educated and highly skilled military recruits. In addition, this bill will secure the future of our military as well. As a result, I urge my colleagues to pass this vital bill and make this worthwhile program viable once again.

Mr. BUYER. Mr. Speaker, I rise in strong support of the amendment offered to S. 1402. This truly bipartisan effort addresses many of the problems service members face with regard to accessing adequate GI bill education benefits.

Over the last several years, veterans and their families have called on Congress to increase veterans education assistance, and equally important, correct the injustices that have prevented many of the VEAP era veterans from receiving GI bill education benefits. Congress, through the leadership of House Veterans Affairs Committee Chairman STUMP and Ranking Member Mr. EVANS have answered their call by offering this amendment.

While this legislation may not fully address the concerns of the veterans community, it is clearly another giant step in our continued efforts to improve GI bill education benefits. Rest assured, that my colleagues and I on the House Veterans Affairs Committee will continue to fight for improved and increased GI bill educational benefits.

Leaving the active military can be a very difficult time period for veterans and their families. It is filled with uncertainty, apprehension, and trepidation. Unfortunately, the current GI bill education benefit has failed to keep pace with the rapidly changing economy. In fact, many veterans have found that current educational assistance does not meet their transition needs.

Furthermore, many other Federal programs offer far greater benefits for little or no commitment. In fact, veterans educational assistance is one of the few Federal educational benefits that is truly earned with sweat equity, and yes, sometimes blood or loss of limb.

For these reasons, improving GI bill education benefits and increasing access to these benefits is extremely important. Not only do GI bill educational benefits assist veterans as they transition back into the local communities that they willingly left to serve this nation, these benefits also reflect the gratitude of a grateful nation. I believe GI bill benefits, and this amendment represent a fitting and proper way to say thank you for your sacrifice and unselfish commitment in protecting America's cherished freedoms and liberties.

Mr. Speaker, this amendment holds true to the spirit of the original GI bill that Congress passed in 1944. It will improve and increase access to veterans educational assistance, and allow veterans the opportunity to make a more complete transition as they leave the military and enter the civilian workforce.

Mr. REYES. Mr. Speaker, I am pleased to speak in support of S. 1402, the Veterans Millennium Education Bill.

I am proud to be an original cosponsor of this legislation, which is a long overdue step to address the serious erosion of our veterans educational benefits. Through this bill we raise the educational benefits our veterans deserve and provide the recruitment incentive our Armed Forces need.

Montgomery GI Bill benefits allow our Nation to extend its gratitude to veterans for their service, compensate them for their time away from family and careers, and gives them the opportunity to gain valuable knowledge and skills through attendance at our Nation's colleges and universities.

With the opportunities it provides to obtain an education, the GI bill has been considered the most significant reason for our country's high educational attainment and post-World War II economic leadership and success.

Over time, however, the value of GI bill benefits has not kept pace with the rising costs of higher education. In fact there is a gross disparity between current benefits and the costs of going to school. In an environment where there are greater sources of private scholarships and funding, along with a strong economy, our best recruits no longer see the same value in the GI bill. This has seriously hurt military recruiting efforts.

Our veterans deserve better, and from a national security standpoint, we cannot afford to allow our military to be without necessary manpower and strength. With a strong economy and large budget surpluses this situation has been unacceptable.

As a result, I am proud that this bill enhances educational assistance amounts by almost 30 percent over 3 years, and at the same time addresses a long time injustice, by allowing for those men and women still on active duty to convert to the Montgomery GI Bill from their Vietnam Era Veterans' Education Assistance Program [VEAP].

The benefit increases in H.R. 4268, raise the monthly amount from $536 to $600 per month on October 1, 2000 and to $720 per month on October 1, 2002 for full-time students.

While further increases in benefits are needed, this bill creates a strong foundation for bringing the educational and training benefits to the level for which our veterans are entitled.

We must never fail in our efforts to maintain, enhance, and improve the benefits entitled to

our veteran population. By doing this, we honor their service, and adequately provide for their needs and the recruiting requirements of our Armed Forces.

I therefore stand in support of this bill, and ask my colleagues to join in voting for its passage.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in enthusiastic support of S. 1402, the Veterans and Dependents Millennium Education Act of 2000 which would increase the amount of educational assistance to veterans under the Montgomery GI Bill. This is a bipartisan bill that is long over due and I complement Veterans Committee Chairman STUMP and Ranking Democrat EVANS for their leadership in bringing it to the floor today.

Mr. Speaker, we continue to fail our veterans in repaying them for their service to their country. We send them off to fight in our defense and yet when they return we break many of the promises that were made to them. This bill is a start in the right direction in reversing this trend. We owe our veterans much more than we have been giving them.

If it becomes law, the Veterans and Dependents Millennium Education Act, would increase the current Montgomery GI Bill benefit from $536 to $600 a month on October 1, 2000 for full time students and to $720 on October 1, 2000. There would also be proportional increases for part-time students, as well.

The bill would also increase survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 a month starting October 1, 2000 and to $720 a month on October 1, 2000. It would also permit the award of survivors' and dependents' educational assistance payments to be retroactive to the date of the service-connected death or award of 100 percent disability rating.

Mr. Speaker, I look forward to the many Virgin Islands veterans being able to take advantage of the increased benefits offered by this bill to further their education. In today's world where a high premium is placed on our workforce being highly skilled, this bill makes such training and higher education more affordable to our veterans.

Mr. SMITH of New Jersey. Mr. Speaker, today I am proud to be an original sponsor of the Veterans and Dependents Millennium Education Act [H.R. 4268]. the chairman and ranking members of the Veterans' Affairs Committee, and others, have worked tirelessly to craft this important bill in a collaborative and bipartisan fashion.

Passage of the Veterans and Dependents Millennium Education Act will benefit more than 500,000 people immediately, and its increase of Montgomery G.I. Bill [MGIB] benefits will go a long way toward recruiting—and retaining—more young Americans to serve our country in uniform. Mr. Speaker, as we prepare to honor those who have died in service to our country on Memorial Day, we must also remember our obligation to help those who continue to defend our country. Increasing education benefits for those who have responded to the call of duty is the least we can do. Under this legislation, Montgomery G.I. Bill benefits for full-time students will rise from $536 to $600 per month on October 1, 2000, and to $720 per month on October 1, 2002. The bill also authorizes proportional increases for part-time students.

Similarly, H.R. 4268 increases survivors' and dependents' educational assistance for full-time students from $485 to $600 per month at the start of fiscal year 2001, and to $720 per month at the beginning of fiscal year 2003. Importantly, today's bill makes these benefits retroactive to the date of the veteran's service-connected death or 100 percent service-connected disability rating. It is worth noting that H.R. 4268 also provides an annual cost-of-living adjustment for survivors' and dependents' educational assistance, which is currently available only for MGIB benefits.

The veterans and Dependents Millennium Education Act also fills an important gap in our military's education assistance program for some 137,000 active duty personnel. For these service men and women who either turned down an earlier opportunity to convert to the Montgomery G.I. bill program, or who have no funds in their Vietnam-Era Veterans' Education Assistance Program [VEAP] account—the educational assistance program in place before MGIB—a payment of $2,700 enables them to receive full MGIB benefits. This important provision will be a major help to many senior non-commissioned officers who, after leaving the service, often attend college part time while working.

Finally, H.R. 4268 accommodates students who attend a college or university that has extended breaks, by permitting MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of ¾ of 1 percent—we can provide these improved benefits to veterans and their families. I urge my colleagues to support the Veterans and Dependents Millennium Education Act.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the Senate bill, S. 1402, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING DAY OF HONOR FOR MINORITY WORLD WAR II VETERANS

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 98) 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.

The Clerk read 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 98.

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

There was no objection.

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

Mr. Speaker, H.J. Res. 98 commends minority veterans of the United States Armed Forces who served during World War II. I commend the authors of this resolution for promoting recognition of minority World War II veterans during this millennium year.

Some of the groups that deserve greater public recognition for their heroic service in World War II include the

Tuskegee Airmen, who flew 15,533 missions in World War II and earned 150 Distinguished Flying Crosses along with other high decorations; the 442nd Nisei Regiment of Japanese-Americans became the most decorated group of soldiers in American history. The Nisei troops overcame considerable prejudice and suspicions while writing one of the most glorious pages in American military history.

Another important story is that of the Navajo code-talkers, many from my home State of Arizona. Few units had more vital duties than these Native Americans, whose unique language led logically to assigning them as communicators. The enemy was never able to break their code, an achievement which contributed greatly to our final victory.

In the Pacific Theater, the 158th Regimental Combat Team, known as the Bushmasters, an Arizona National Guard Unit, was comprised of a high percentage of Hispanic and American Indian soldiers. This unit saw heavy combat in the Philippines and was referred to by General Douglas MacArthur as ''the greatest fighting combat team ever deployed for battle.''

Hopefully greater recognition of minority veterans will become a regular part of future Memorial Day and Veterans Day celebrations across this country, enhancing the magnitude of those two days so special to our veterans.

Mr. Speaker, I urge my colleagues to support the passage of this bill.

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

□ 1230

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

Mr. Speaker, I join with many of my colleagues today to honor and give thanks to America's minority veterans, the soldiers and sailors and men and women of our armed forces and, of course, my fellow Marines. More of the world is free today than ever before, thanks in no small part for their valor and sacrifice half a century ago. We sometimes do not remember that World War II was before the armed forces were desegregated and that process really took us solidly to Vietnam. So there were many years in which the men and women of the armed forces did not serve together on an integrated basis and did not get really the breaks perhaps that the majority of Americans have received throughout the time of this desegregation. As I said, more of the world is free now because of their efforts.

It is altogether fitting and appropriate that this valor and sacrifice of a half a century ago be commemorated on May 25, 2000. I particularly commend my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), for her leadership on this issue. I thank her for the well-deserved recognition which the Day of Honor 2000 will provide America's minority veterans with the respect that they deserve.

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

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Affairs.

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

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

Mr. Speaker, I am pleased to rise today in strong support of H.J. Res. 98, a measure supporting a day of honor for our minority veterans of World War II. I thank our distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), for recognizing how important this issue is.

As the primary sponsor of legislation to restore benefits that were once stripped away from Filipino World War II veterans by an ungrateful Congress in 1946, I am fully aware of how our Nation has shamefully treated its minority veterans in years gone by. From the Civil War through Korea, before going into action, African American soldiers had to first battle against an ingrained prejudice among white commanders that they were somehow subpar or otherwise incapable of engaging on equal terms as their white counterparts. These veterans always proved their worthiness in battle, only to find this lesson lost on the military command staff by the time the next war broke out.

Even more distressing was the fact that contributions made by African American veterans were soon forgotten or glossed over since the fighting ended. President Clinton should be commended for his initiative to award the Medal of Honor to eight black veterans who had initially been passed over for this commendation.

This legislation also honors the accomplishments and contributions made by Hispanic Americans, Asian Americans, and Native American veterans. Of these groups, two specifically bear mentioning. Many Japanese American veterans served with distinction during the Pacific War. They did that despite having their loyalties questioned by many in command, as well as many having their families back home living in internment camps.

Moreover, Native Americans from several tribes played a vital role as code operators during the Korean War. In this they were naturals, since the chances of any axis code-breakers being fluent in a Native American language was highly remote.

Mr. Speaker, this measure is long overdue, timely, and quite appropriate as we approach Memorial Day. Accordingly, I urge my colleagues to give their full, wholehearted support to this measure.

Mr. EVANS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I add my appreciation to the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), and as well to the distinguished gentleman from Illinois (Mr. EVANS), the ranking member of the committee. I first want to pay tribute to them for always advocating on behalf of veterans in a unified and profound way that many across this Nation recognize.

I think it is important, first of all, as we move toward honoring the first Memorial Day in the new millennium to thank all of those families whose loved ones gave the ultimate sacrifice, and we will honor them this coming week. It is important to acknowledge that the legislation that we have before us does not in any way substitute for the great appreciation that Americans have for all of those who gave the ultimate sacrifice and, of course, our veterans whom we honor.

I am very honored to have been able to bring to the floor of the House, with the help of some 91 cosponsors, H.J. Res. 98. I was so moved when this particular opportunity came to my attention in my district in Houston with the leadership of Dr. Smith. The ceremony honoring those many minority veterans of World War II, in particular, was a challenge to keep from feeling the emotion that was in that room of veterans who were so very proud of their service, yet asking that we bring to the attention of America that when they did return, they were not given the honor that we knew they deserved.

So I rise today in support of House Joint Resolution 98 that I introduced on April 12, 2000. I am delighted by the bipartisan support for this joint resolution in both the United States House of Representatives and the United States Senate. The efforts of Representatives such as the gentlewoman from Florida (Ms. BROWN), the gentleman from Oklahoma (Mr. WATTS), the gentleman from South Carolina (Mr. SPENCE), the gentleman from Arizona (Mr. STUMP), as I mentioned, the chairman of the Committee on Veterans' Affairs, and the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs, have all been instrumental in bringing this resolution to the floor.

I personally come to the floor in honor of my uncles, Eric Jackson, Allan Jackson Bernard Bennett, Samuel Jackson, all of whom fought or served during the time of World War II, and, of course, my very special now-deceased father-in-law, Philip Ferguson Lee, who was one of the honored Tuskegee Airman.

The joint resolution designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. In fact, 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. Because this recognition is long overdue, it is appropriate that we honor and celebrate the

memories of the veterans that served or fought throughout the year.

There are many that deserve thanks for making this day, and I again thank Senator EDWARD KENNEDY of Massachusetts for joining me for introducing an identical resolution in the United States Senate. That resolution passed by unanimous consent in the United States Senate on May 19, and I must say this has certainly been a wonderfully collective effort that has inspired veterans and children alike to follow the progress of this resolution through Congress. I likewise am proud by the superb grass-roots support offered by the Day of Honor 2000 Project, a nonprofit organization based in Marlborough, Massachusetts.

Through Dr. William A. Smith's leadership, the project's executive director, movement for the resolution took on a life of its own. He traveled across this Nation with an enormously moving film that I hope all of America will get a chance to see. His involvement in this effort reflects a greater sense of unity among Americans, that we must make amends for the past and we must do it together.

Mr. Speaker, the resolution is another way of saying that we have not forgotten those who fought or served in World War II, while simultaneously discriminated against while at home. The resolution brings closure to the families of many veterans, and none of us can underestimate that phenomenon for each individual. The Day of Honor 2000 project helped enlist the support of countless Americans to make this resolution possible. Without its support, the resolution would have probably never come to fruition.

Our goal is that the Nation will heal and will have an opportunity to pause on May 25 and throughout the year to express our gratitude to the multicultural, multiracial veterans of all minority groups who served the Nation so well.

When we look to the harrowing days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our veterans gave to their Nation to achieve the allied victory over Nazism and Fascism. In the 1940s, minority were utilized in the allied operations, just as any other American. In fact, it is well known how many of them rose to the occasion of volunteering and seeking out the opportunity to serve in the United States military. They wanted to go and fight for their beloved America.

During the war effort, 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 in protecting democracy and freedom.

Despite the invidious discrimination that most minority veterans were subjected to at home, they fought honorably along with all other Americans, including other nations. As we have noted in the honor that President Clinton has given to some even in these last years, we realize that some were serving and gave much of their life to this country by sacrificing their health and subjecting themselves to injuries and yet were not honored when they returned. An African American was obliged to answer a call to duty, indeed possibly sacrificing his life, yet he or she enjoyed separate, but in many times unequal, status back at 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, Jr. 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 has remedied the worst of these injustices, and this has given us some hope. I have hope, we all have hope for America as we move together in the 21st century. But, as we all know, we have yet to give adequate recognition to the service, struggles, and sacrifices of the veterans, all of the brave veterans.

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. Like 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 specially 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 World War II. The minority veterans from World War II represent a significant part of what is being called America's Greatest Generation. They are American heroes that deserve recognition for this 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,'' and I ask my colleagues to do so in their respective districts.

Winston Churchill once said that it is important for all of us to build wisely and surely, not for the moment, but for the years to come. I am so very gratified that my freedom was based upon the fact that these veterans served and many sacrificed their lives.

Mr. Speaker, I would ask my colleagues to join us in supporting this resolution, both H.J. Res. 98 and H.J. Res. 44. Might I just add for a moment a note of thanks to so many of our staff that helped this come to the fruition that it has come. Oliver Kellman, Mark Carrie, and Earl Smith, in my office worked long and hard on this legislation. Also, the wonderful staff that worked with the many members, Carl Commenator, chief counsel and staff director of veterans affairs; Michael Durishin of the Democratic staff; Jeannine McNally, Debbie Smith, Minda Fife, Stoval White, Rene Davidson, Linda Shealy, Craig Metz, Nick Martinelli, all of whom made this very possible, I thank them all. Again, I ask my colleagues to please support this very important resolution.

Mr. Speaker, I rise today in support of House Joint Resolution 98 that I introduced on April 12, 2000. I am delighted by the bipartisan support for this joint resolution in both the United States House of Representatives and the United States Senate.

The efforts of Representatives such as CORRINE BROWN of Florida, Representative J.C. WATTS Jr., of Oklahoma, Chairman FLOYD SPENCE of South Carolina, Chairman BOB STUMP of the Committee on Veterans' Affairs, and Ranking Member of the Committee on Veterans' Affairs LANE EVANS have all been instrumental in bringing this resolution to the floor.

The joint resolution designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. In fact, 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. Because this recognition is long overdue, it is appropriate that we honor and celebrate the memories of the veterans who served or fought throughout the year.

There are many that deserve thanks for making this day a reality. I want to extend my special thanks to Senator EDWARD KENNEDY of Massachusetts for joining me by introducing an identical resolution in the United States Senate. That resolution passed by unanimous consent in the U.S. Senate on May 19th. I must say this has certainly been a wonderful collective effort that has inspired veterans and children alike who have followed the progress of the resolution through Congress.

I am also proud, of course, by the superb grassroots support offered by The Day of Honor 2000 Project, a non-profit organization based in Marlborro, Massachusetts.

Through Dr. William H. Smith's leadership, the Project Executive, movement for the resolution took on a life of its own. His involvement in this effort reflects a greater sense of unity among Americans that we must make amends for the past.

Mr. Speaker, the resolution is another way of saying that we have not

forgotten those who fought or served during World War II while simultaneously discriminated against while at home. Mr. Speaker, the resolution brings closure to the families of many veterans. And none of us can underestimate that phenomenon for each individual.

The Day of Honor 2000 Project helped enlist the support of countless Americans to make this resolution possible. Without its support, the resolution would have probably never come to fruition.

Our goal is that the nation will have an opportunity to pause on May 25th and throughout the year to express our gratitude to the veterans of all minority groups who served the nation so ably.

When we look back to the harrowing days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our veterans 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.

During the war effort, 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 either served their country in protecting democracy and freedom.

Despite the invidious discrimination that most minority veterans were subject to at home, they fought honorably along with all other Americans, including other nations. An African American was obliged to answer a 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, Jr. 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, struggles, and sacrifices of all our brave veteran Americans.

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 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 World War II.

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 vote in favor of this resolution. I thank all my colleagues, in both Houses of Congress, for their assistance in helping bring closure to the lives of so many deserving Americans.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Indiana (Ms. CARSON), a tireless and effective advocate for our veterans.

Ms. CARSON. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank the chairman of the committee and certainly the gentleman from Illinois (Mr. EVANS), the ranking member, the outstanding veteran himself, and certainly the gentlewoman from Texas (Ms. JACKSON-LEE), for the eloquent, articulate, and thorough presentation on behalf of this needed resolution.

I remember, Mr. Speaker, the heroism of the Buffalo soldiers serving in the vast West as our Nation grew to the Pacific many years ago, a fine tradition.

Today, it is altogether fitting that we honor and recognize the service of minority veterans in our armed forces during World War II. All together, some 1.2 million African Americans served alongside 300,000 Hispanic Americans; and 50,000 Asian Americans served during World War II, shoulder-to-shoulder with other Americans, in the common cause of defeating the Axis powers.

The ordinary ground-pounding soldiers served uncommonly well, with great courage, in segregated units.

□ 1245

The trials and tribulations of the black men who wanted to fly, our Tuskegee Airmen, who grew wings to show the way for a generation; the extraordinary valor of our soldiers of Asian descent, fighting fiercely in Europe, even as many of their families were imprisoned in camps in our West; our Native American code-talkers who used their languages to puzzle and defeat Japanese eavesdroppers, far from their tribal lands. Those who served so well truly deserve our special honor but, Mr. Speaker, the happy result of relative peace for us in these times is, at the same time, a sort of sad fact for America.

Our veterans, no matter their race, color, or national origin, are a minority. Few who benefit from our life and our liberties each day have ever had occasion to serve our flag, have ever put themselves in harm's way for our Nation.

Mr. Speaker, I stand here today with humility and a deep sense of gratitude for those men and women who fought and who sacrificed themselves for the freedom of this country to preserve the principle of having one nation under God, with liberty and justice for all people.

Mr. Speaker, for our minority veterans, for our veterans' minority, let us remember the service, the sacrifice of all, especially for this day of honor for minority soldiers.

Mr. Speaker, I am very grateful that I have had an opportunity to speak on this resolution.

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

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

Mr. Speaker, I did an injustice to the Tuskegee Airmen. I misspoke a moment ago when I said they flew 1,500 sorties. Actually, they distinguished themselves by flying 15,533 sorties, and I want to correct the record.

Mr. BLUMENAUER. Mr. Speaker, today the House will vote on H.J. Res. 98, which will designate May 25, 2000 as the Day of Honor to celebrate minority veterans throughout the country. This day will be set aside to recognize the service of African Americans, Native Americans, Asian Americans, and Hispanic Americans in World War II. The service and sacrifice of these men and women is all the more moving because, in many cases, they fought to protect freedoms that they themselves did not fully enjoy.

Today, we understand that part of what makes a community livable is respect for diversity and an appreciation of our differences. Understanding our history, even when it contains difficult memories, is an important part of bridging the ethnic and cultural divisions that still trouble us.

African Americans were the largest group of minority Americans to serve in World War II. More than a million African American men and women served in the United States Armed Forces in the war. The famed 332nd Fighter Group of the Tuskeegee Airmen never lost a bomber under their escort to an enemy fighter in 200 missions.

The Day of Honor was celebrated in Portland last Saturday at Reflections, a coffee and book store in my district. African American servicemen from all branches of the United States military were recognized for their sacrifice and heroism on the battlefield. I was especially pleased that Mr. Edgar L. Bolden, who served with the Tuskeegee Airmen and now lives in the district I serve, was the guest speaker at the event. Mr. Bolden trained as a fighter

pilot with the Tuskeegee Airmen, serving his country honorably, and then went on to receive an engineering degree and work for the Federal Aviation Administration and in the private sector.

Another outstanding group of African Americans who served our country in World War II was the 555th Parachute Infantry Battalion, the Army's only all-African American parachute infantry unit. Born within an armed forces that had typically relegated African Americans to menial jobs and programmed them for failure, the 555th or ''Triple Nickels'' as they were called, received new orders as the war was drawing to a close—a change of station to Pendleton Air Base in Pendleton, Oregon.

The 555th acquired a new nickname, the ''Smoke Jumpers'' and they were on emergency call to fight forest fires in any of several western states. Their other mission was ''Operation Firefly'' in which they would parachute into areas where there were suspected Japanese ''balloon bombs—incendiary devices that had traveled across the Pacific on hydrogen balloons and posed the risk of setting fires and were a danger to people. Indeed, a woman and five children were killed by one of these bombs near Bly, in southern Oregon. The Triple Nickels carried out the hazardous mission of locating and disposing of these bombs. Two years later in 1947, the 555th became the unit that integrated the Army when they became members of the 82nd Airborne.

These are just a few of the many examples of sacrifice and bravery displayed by minority veterans in World War II. I'd like to take this opportunity to thank all of our veterans. It is because of them that we were able to exercise the freedoms that are central to our Nation's character.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of H.J. Res. 98 offered by Congresswoman JACKSON-LEE and sponsored by senator KENNEDY in the Senate. As a co-sponsor I welcome this long over due resolution, which calls for a presidential proclamation designating May 25, 2000 as a national Day of Honor for minority veterans of World War II.

This resolution is an important and fitting tribute to the tens of thousands of minority Americans who set aside political, economic and social disenfranchisement, to answer the call to arms against the forces of tyranny.

In the beginning of the war, many minority servicemen were relegated to serve only in ''rear echelon'' positions or support positions during the war. They served as munitions men, truck drivers, cooks, stewards, and in cleaning and repair details. Minorities also labored in the factories and farms throughout the United States working towards the war effort. In many cases, when in combat zones, the men in these positions manned weapons and fought honorably side-by-side with white soldiers and sailors during furious engagements.

Later in the war, after much lobbying efforts by minority leaders, combat units were established for minorities. These brave men and women came from all walks of life but were bound by a love of the principles of duty to God and county. They lived in a separate component of American society that was defined by an unfortunate climate of prejudice. African-Americans, Hispanics, native Hawaiians, Chamorros, Samoans, Asian Americans, Filipinos, American Indians, and Native Alaskans all served honorably in many capacities with the U.S. military to combat the hegemonic forces of Germany, Italy and Japan.

In segregated units, often led by white officers, these noble men distinguished themselves in combat and proved to the entire nation that they too were willing to lay down their lives for freedom. The Tuskeegee Airmen, the famed 442nd Regimental Combat Team, the 100th Infantry Battalion, the Navaho Code-Talkers, the U.S. Navy's Fita Fita Guard (a U.S. Navy auxiliary unit in American Samoa), the 1st Samoan Battalion, U.S. Marine Corps, and the Guam Combat Patrol (a U.S. Marine Corps auxiliary unit in Guam) are just a few of the organizations where minorities fought valiantly in some of the most difficult combat assignments anywhere in World War II.

This Joint Resolution commends the African, Hispanic, Asian, and Native Americans, Native Hawaiians and Alaskans, Pacific Islanders and all other minority veterans, especially those who lost their lives. It also authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor minority veterans with appropriate programs and activities. I want to thank both Congresswoman JACKSON-LEE and Senator KENNEDY for bringing this Joint Resolution to the floor and ensuring that all Pacific Islanders were accounted for within the language of this bill. We are all humbled and honored by their service and sacrifice. I urge all my colleagues to vote for its passage.

Mr. BENTSEN. Mr. Speaker, as an original cosponsor of H.J. Res. 98, I rise today in strong support of legislation that would honor those minority World War II veterans who served our nation when duty called. On May 25, 2000, the Day of Honor Project, will be honoring those minority servicemen and women made to help our nation during World War II.

It is estimated that more than 1.2 million African-Americans, more than 300,000 Hispanic-Americans, more than 50,000 Asian-Americans, more than 20,000 American Indians, more than 6,000 Native Hawaiians and Pacific Islanders, and 3,000 Native Alaskans served in the Armed Forces during World War II.

I believe that these men and women deserve our thanks for courageous service and sacrifice on behalf of our nation. In many cases, these minority veterans did not receive proper recognition or awards for their valor and courage during wartime efforts.

This Sense of the House resolution is part of the national effort to enlist communities around the nation to honor these World War II minority veterans as part of their Memorial day celebrations. This legislation also requests that the President of the United States issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

On May 25, 2000, I will be remembering these men and women who gave their lives in some cases for our freedom. As we all remember, freedom is not free and we all must never forget the sacrifices that these men and women made to ensure our freedom today.

I strongly urge my colleagues to support this legislation and to honor those who have served in your communities.

Mr. REYES. Mr. Speaker, I stand in strong support for H.J. Res. 98, Honoring WWII Minority Veterans.

This legislation honors their service and sacrifice.

Despite suffering from inequality and discrimination back home and in the military, they did not hesitate to defend America with courage and dedication.

Our World War II veterans whether Hispanic, Native American, Asian, Hawaiian, Pacific Islander or African-American, participated in combat operations around the globe to stem the tide of fascism with pride and distinction.

Their bravery, dedication, and commitment was unwavering as reflected in the disproportionate number of Medal of Honor winners among their ranks.

Furthermore, as shown by our Native American Navajo soldiers, their particular and unique skills in the war effort directly contributed to the early success and ultimate victory of our armed forces.

Clearly, our minority World War II veterans are patriots and heroes of the highest order. They put their lives on the line for America, while segregation and prejudice persisted in their homes and toward their families.

Their efforts and service in defense of our Nation, broke stereotypes and the prejudice they endured served to breakdown the doors of segregation for future generations. Nonetheless, far too many of these veterans returned to a Nation that did not fully recognize their service, nor welcome them back like other American soldiers who had defended our freedom and liberty.

It is long overdue that we give them the recognition and accolades they deserve.

Our minority veterans should be celebrated, honored, and recognized for their exceptional contributions to the war effort as part of ''America's Greatest Generation.''

They fought against fascism abroad, and racism and segregation at home. They are veterans of war and veterans of the struggle for freedom and civil rights.

I therefore am pleased that we commend these veterans for their service and sacrifice with this Joint Resolution.

This bill will honor those minority veterans who gave their lives, support the goals of a Day of Honor in celebration and recognition of their extraordinary service, and authorize and request a Presidential proclamation to honor these veterans with appropriate programs and activities.

These veterans deserve this recognition and we owe them a tremendous debt of gratitude that can never be repaid.

However, with this resolution let us salute and thank our minority World War II veterans.

I therefore ask that my colleagues join me to overwhelmingly support this bill.

Mr. ORTIZ. Mr. Speaker, I thank the Veterans' Affairs Committee for bringing this important resolution before the House of Representatives this week. The committed service of the veterans of World War II, especially that of minority veterans, can never be noted too often. For minority veterans, their desire to serve this country was a monumental movement in democracy and social change.

While many people pinpoint the 1960s, and the civil rights movement in that decade, with

moving the nation closer to social progress, it was WWII and the minority veterans who distinguished themselves so often and so valiantly who gave us the opportunity to move forward as a community and a nation.

Let me tell you a little bit about one of the most important and influential members of the WWII generation. Those Hispanics who fought against the Nazis and Imperial Japan showed their bravery and courage time and time again. They came home from the war that equalized the rich and poor, educated and uneducated, to a country which still openly discriminated against them because of their ethnicity.

Probably the best-known WWII veteran Hispanic descent in South Texas was Dr. Hector P. Garcia. Dr. Garcia came back to South Texas and was, with many Hispanic veterans, treated with familiar contempt by people in the country for which they had shed blood in a great war and a just cause.

What crystallized the cause of civil rights for so many Hispanic veterans and Hispanic Americans was the treatment of Army Private Felix Longoria, a soldier lost in WWII. Longoria's family wanted to bury him at Three Rivers near their home, but the cemetery was for whites only.

Dr. Garcia, and all veterans who were coming home were shocked by the blatant racism that was still so prevalent in their home. They believed in fighting for the cause of democracy and for the United States. They also believed that their service would bring them the respect that had elluded them in everyday life before the war.

Dr. Garcia called the funeral home and asked them to reconsider. The funeral home owner refused. Dr. Garcia and other South Texas veterans were not deterred. They took their case to the federal level via telegrams and correspondence. Longoria was buried two months later in Arlington National Cemetery with the help of then-Senator Lyndon Johnson.

Out of all this came the American GI Forum, the first Hispanic civil rights organization. Hispanics in the United States have proudly served their country from the American Revolution to our NATO activity in Kosovo. In the course of that service, 38 Hispanics have been awarded the Medal of Honor, our country's highest award for military bravery and service. That is the highest number of Medals of Honor among ethnic minorities. I appreciate the efforts of the House of Representatives today in honoring these minority veterans.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.J. Res. 98, the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II. I am an original cosponsor of H.J. Res. 98.

Since the days of the Buffalo Soldiers (1866), minorities have served with bravery and distinction in the United States Military with little or no recognition. There were twenty-three Medal of Honor recipients from the four African American army regiments that came to be known as the Buffalo Soldiers.

Asian Americans, Pacific Islanders, and Native Hawaiians also served their country honorably and with great distinction during World War II.

Many Japanese-Americans served with the Army's much-decorated 442nd Regimental Combat Team or 100th Infantry Battalion. Organized in Hawaii, the units fought in Europe. About one-third of their members volunteered from U.S. relocation camps to which they had been sent as ''enemies'' of America.

In four weeks of heavy combat in October–November 1944, the 442d RCT liberated Bruyeers and Biffontaine and rescued a ''lost battalion'' that had become cut off from the 36th Division. For this the 100th, 2d, and 3d Battalions, 442d Infantry, and the 232d Engineer Company were each awarded the Distinguished Unit Citation [later re-designated as the President Unit Citation].

Two soldiers of Asian ancestry, Army Pfc. Sadao Munemori and Jose Calugas of the Philippine Scouts, received the Medal of Honor, the nation's highest military accolade, during the World War II era.

At least 20 Asian-American heroes of World War II will belatedly receive the Medal of Honor in the White House ceremony on June 21. Only 441 such awards were given during WWII. This tribute completes an effort ordered by Congress to identify Asian-Americans and Pacific Islanders who had won the second-highest medal, the Distinguished Service Cross, and to recommend Medal of Honor upgrades to President Clinton in deserving cases. Sen. Daniel Inouye, D–Hawaii, will be among those recipients. Many others cited were killed in action or have died since the war, and family members will accept the awards posthumously.

Primary among Pacific Islanders serving in WWII were the Filipino Vets. As members of Philippine army scouts and guerrilla units attached to U.S. forces during World War II, they fought alongside Americans at Bataan, survived the infamous ''Death March,'' hid and fed U.S. soldiers who escaped capture and helped Gen. Douglas MacArthur's army liberate their homeland, then an American colony. These deserving veterans are in a fight, even now, to obtain the benefits they deserve from the United States government.

This is a record of stellar service. So, it is fitting that we pass H.J. Res. 98 today to honor those who served as well during that war and who have never truly been recognized for their effort and their sacrifices—often the ultimate sacrifice, their lives.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the joint resolution, H.J. Res. 98.

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

A motion to reconsider was laid on the table.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 44) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 44

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, Pacific Islanders, 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.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 98) was laid on the table.

CONSIDERING MEMBER AS FIRST COSPONSOR OF H.R. 1202

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1202, a bill originally introduced by Representative Brown of California, for the purpose of adding cosponsors and requesting reprintings under clause 7 of rule XII.

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

There was no objection.

URGING COMPLIANCE WITH HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 293) urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction, as amended.

The Clerk read as follows:

H. CON. RES. 293

Whereas the Department of State reports that at any given time there are 1,000 open cases of American children either abducted from the United States or wrongfully retained in a foreign country;

Whereas many more cases of international child abductions are not reported to the Department of State;

Whereas the situation has worsened since 1993, when Congress estimated the number of American children abducted from the United States and wrongfully retained in foreign countries to be more than 10,000;

Whereas Congress has recognized the gravity of international child abduction in enacting the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204), the Parental Kidnapping Prevention Act (28 U.S.C. 1738a), and substantial reform and reporting requirements for the Department of State in the fiscal years 1998–1999 and 2000–2001 Foreign Relations Authorization Acts;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the ''Hague Convention'') and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes mutual rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas Article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the requested state from its obligation to return a child to the country of the child's habitual residence if it is established that there is a ''grave risk'' that the return would expose the child to ''physical or psychological harm or otherwise place the child in an intolerable situation'' or ''if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of [the child's] views'';

Whereas some contracting states, for example Germany, routinely invoke Article 13 as a justification for nonreturn, rather than resorting to it in a small number of wholly exceptional cases;

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas Article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the Article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges—

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 293.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 293. This resolution urges compliance with the Hague Convention on the civil aspects of international child abduction. It is regrettable that we are in a position in this resolution of the need to criticize by name several nations with whom we have otherwise had friendly relations: Germany, Austria, Sweden, Honduras, and Mexico.

It is obvious from the circumstances, that it is necessary to do so, and I want to commend the gentleman from Ohio (Mr. CHABOT), a member of our Committee on International Relations, who, on behalf of 132 cosponsors, introduced this measure.

I would also like to thank the gentleman from Texas (Mr. LAMPSON), who is the chairman of the Caucus on Missing and Exploited Children. He has devoted a great deal of his time to raising our level of awareness of the growing problem of international child abduction.

We are taking action on this measure on behalf of the parents of our abducted and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the heartbreak, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or illegally-retained child should be on the top of the Secretary's meetings with any official of a country involved in such cases.

This is not a problem that should be handled as a routine exchange of diplomatic notes or by phone calls by any junior U.S. official to their foreign counterparts. We need to see some concern and some concrete actions by the highest levels of our government to redress what is evidently a growing international problem.

It is our hope, Mr. Speaker, that by adopting this resolution we will be sending a strong signal to those governments which fail to honor consistently their international commitments. This is an issue that we care deeply about. We need to focus the attention of the governments of Germany, of Sweden, Austria, Mexico, and Honduras on this issue to make them understand that they cannot expect the Hague Convention to be a one-way street.

Accordingly, Mr. Speaker, I urge the House to unanimously agree to this resolution.

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

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

Mr. Speaker, I rise in strong support of the resolution. Many of us have read press accounts of children stolen from their American mothers or fathers and whisked away to a foreign country by the noncustodial parent. The heartbreak of the left-behind parent is too often compounded by the realization that the country to which the abducting parent has fled is actually helping

that parent to hide the children. This assistance to the abductors by countries like Germany, Austria, Sweden, and Mexico is contrary to the letter and spirit of the Hague Convention on the civil aspects of international child abduction.

In at least 30 cases in Germany, for example, German judges have flouted the basic tenets of the Hague Convention and have allowed the fleeing parent to continue to hide the children from their American parents and even to deny them the most minimal contact with their children. Germany is a signatory to the Hague Convention.

Resolutions like the one we have before us, and I compliment the chairman of the committee for expediting this matter and the fine work done by my colleagues, particularly the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. LAMPSON). Resolutions like the one we have before us today are one way that Congress can send a message to these countries, most of which are friends and allies of the United States, that we will not be silent in the face of these tragedies.

Mr. Speaker, make no mistake, these cases are tragedies, tragedies of broken families, traumatized children, bereft mothers and fathers who are left behind with precious little hope of ever seeing their children again. These cases are, sadly, not rare. Every year it is estimated that at least 1,000 boys and girls are taken from their American parents. There are as many as 10,000 cases of children wrongfully retained by their noncustodial parents currently on file. The Hague Convention clearly states that custody disputes should be decided in the country in which the child habitually resides, but time and again foreign courts have intervened and decided custody cases, even though the children in question are American-born and have spent their lives up to the point of their abduction in America.

In the case of Joseph Cooke, whose story was so movingly described recently in the Washington Post, German courts even gave the German foster parents of his children greater rights than they accorded Mr. Cooke himself, the children's father.

Mr. Speaker, the resolution before us urges our friends, neighbors, and allies to live up to their commitments in signing the Hague Convention on the civil aspects of international child abduction. It asks countries to enact effective implementing legislation; to educate their judicial and law enforcement authorities; to return abducted and wrongfully-retained children to their place of habitual residence without reaching the merits of any underlying custody dispute; and to ensure parental access rights by removing obstacles to the exercise of such rights; and to further educate its central authority and local law enforcement authorities on the Hague Convention, the severity of the problem of international child abduction and the need for immediate action, when a parent of an abducted child seeks their assistance.

This is the very least we can do to address the heartbreak of thousands of American left-behind parents, and I strongly urge its adoption.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the original sponsor of this measure.

Mr. CHABOT. Mr. Speaker, first let me express my thanks to the gentleman from New York (Mr. GILMAN) for his long-standing leadership in this issue. He has been a real advocate for those families who have been victimized by international parental child abduction. All of us who have worked on this issue appreciate his stewardship.

I also want to thank the gentleman from Florida (Mr. HASTINGS) for his leadership on this very important issue; and I want to particularly thank my friend, the gentleman from Texas (Mr. LAMPSON), the principal cosponsor of the bipartisan resolution. As the founder and chairman of the Congressional Caucus on Missing and Exploited Children, he has worked tirelessly on behalf of abducted children. He comes down here every single day and gives a speech on a different particular case that has happened and he has devoted a lot of time and a lot of effort on this issue and to the families and he has been a very effective partner in this legislative effort.

More than 130 cosponsors have joined in this effort to bring attention to the tragedy of international parental child abduction. I know the families of those children appreciate the support of Members of Congress like the gentlewoman from Florida (Mrs. FOWLER); the ranking member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON); the gentleman from Ohio (Mr. PORTMAN); the gentleman from California (Mr. OSE); and so many others.

I would also particularly like to thank my legislative director Kevin Fitzpatrick who spent many, many hours working on this issue and talking with someone in my district who has been hit with this on a personal basis.

I first became aware of this issue on a personal level when a gentleman by the name of Tom Sylvester from my hometown of Cincinnati, his daughter Carina was abducted by her mother in 1995 and taken to Austria where she remains today. Despite a number of court orders in both the United States and in Austria, including an order by the Austrian Supreme Court that clearly ruled that the child should be returned to Tom Sylvester, Carina has not been returned to her father.

During the last 5 years, he has only been able to see her briefly and in a supervised setting. Every attempt to bring Carina home has been met with rejection by Austria.

Every attempt to seek justice from the Austrian government has been stonewalled, and it is time that Tom Sylvester got his daughter Carina back to the United States. That is where she belongs.

☐ 1300

During a hearing on the Committee on International Relations in March of this year, I had the opportunity to discuss Tom Sylvester's case with Secretary of State Madeline Albright. The Secretary promised to bring up the case during her discussions with the Austrian government, and she committed to a meeting with Mr. Sylvester, myself, and my colleague, the gentleman from Cincinnati, Ohio (Mr. PORTMAN). Hopefully, that meeting will take place soon.

By personally engaging in this issue, the Secretary will be expressing her solidarity with all of those parents throughout the country who face the same painful ordeal that Tom Sylvester faces every day, and she will be sending a strong message to those offending countries who fail to honor their obligations under the Hague Convention that the United States Government is serious about bringing our children home.

House Concurrent Resolution 293 is very straightforward. We are urging all contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction to comply fully with both the letter and the spirit of their international legal obligations under the convention; to ensure their compliance by enacting effective implementing legislation and educating their judicial and law enforcement authorities; and to honor their commitments and return wrongfully abducted children to their place of habitual residence and ensure parental access rights by removing obstacles to the exercise of those rights.

Mr. Speaker, thousands of American parents wake up each morning with a glimmer of hope that they will soon be reunited with their abducted children. Most of those parents go to bed again that night broken-hearted. Sadly those left-behind parents all too often believe that they have nowhere to turn and that is truly a tragedy.

Today, we are sending a message to our State Department that the return of our children is a national priority. Today, we are saying to those nations who routinely ignore their obligations under the Hague convention: send our children home.

Mr. Speaker, those long suffering left-behind parents need to know that their government is behind them, and that their government will keep fighting for them until the last stolen American child comes safely home.

Let us have a resounding show of support for this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged and honored

to yield 5 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), who has been a tireless worker in this effort to bring this matter to fruition.

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

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for giving me the opportunity to speak in support of House Concurrent Resolution 293. As chairman and founder of the Congressional Missing And Exploited Children's Caucus, I am very, very pleased that the House Committee on International Relations and the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) have recognized the importance of an issue that the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. OSE) and I have been pushing on for quite a long time of international parental child abduction.

The bill that this body will vote on today calls on the signatories of the Hague Convention of Civil Aspect of Child Abduction to abide by the provisions of the Hague Convention.

Three months ago, I came before that committee, with a number of parents, to announce to Congress and to the American people that it was time for America and our foreign counterparts to sit up and take notice of the 10,000 American children that have been abducted overseas, and that time has come.

We are pointing fingers today at those countries who have not lived up to their side of the deal, and I know that the United States is not perfect, that we still have much educating to do of the judges who deal with this issue, but the return rate by the United States to other Hague countries is upwards of 89 percent. We know that American children are returned at a rate far less than what the United States returns, only about 24 percent.

These parents' children have been abducted to Hague countries all over the world. This issue is one that is nonpartisan and one that none of us can afford to ignore. I am truly pleased to have introduced this resolution with my friend, the gentleman from Ohio (Mr. CHABOT). Our resolution urges all contracting parties to the Hague Convention, particularly European civil law countries, that consistently violate the Hague Convention, such as Austria, Germany and Sweden, to comply fully with both the letter and the spirit of their international legal obligations under this convention, in addition to urging all contracting parties to ensure their compliance with the convention by enacting effective implementing legislation and educating their judicial law enforcement authorities.

Mr. Speaker, we know that this is making a difference. We know that our voices are being heard. I know that last Friday, a gentleman whose name is Paul Marinkovich, had a case in the courts in Scotland after he had followed his child from Sweden to Norway to Spain and finally to Scotland; and Mr. Marinkovich won his case last Friday in Scotland after 3½ years on the run. His child was located with the child's mother there in Scotland, and it was only after involvement by this government, by this Congress, by our State Department and high-ranking administration officials that this case, his case, took a turn for the better.

It was televised in Sweden; someone saw it and recognized Gabriel, who had moved to Spain. The case was investigated in Spain, and he was located in Scotland. His ex-wife was arrested. Gabriel was in the care of social services, and Paul won the Hague case on Friday. That is a thrill to me to know that this Congress made a difference.

Another gentleman named Jim Rinaman, Jim was a father who I met back in February and March. He saw his daughter for the first time in 5 years in Germany. The pressure that the German government is feeling is becoming apparent. The German press has picked up on this issue and is putting pressure on families over there.

Mr. Speaker, I have to read a part of an e-mail that came. While it was directed to me, I share and feel that it should be shared with every Member of Congress who has touched this issue in the last several months. He says: ''Thank you so much for all of your help. I really admire you and the other Members for the way that you have taken on this issue. You can count on me for any assistance I might be able to provide for your continued efforts. As difficult as my situation still is, I am very much relieved, and I know there are solutions still to be found for other parents and children and Catherine. I believe that the German government, for one, is learning a new kind of respect for the United States because of the principal people like you and other Members of Congress who have presented and refused to compromise. There will be many parents and children who will always deeply appreciate what you are doing. I have attached photos of Julia. As you can see, she is well, and, thankfully, she will grow up with the opportunity to be equally proud of being American and German.''

Well, to me, that is what this is about. And I want to take just a minute to commend the people like John Herzberg on the committee and Abby Hochberg Shannon on my staff and others on the staff like Khristyn Brimmeier and so many others who have spent so much of their time and effort. This issue would not have been brought to where it is today without so much work on the part of our staffs.

Mr. Speaker, I support this and only ask to bring our children home.

As I stated in my press conference three months ago, we need to raise awareness—parents from across the country have been contacting their Members of Congress. And we must continue to put pressure on other countries that are Hague signatories, that are not abiding to the Hague Treaty. This resolution does just that. As I said in March, I would like to issue a challenge to each of you to help carry this message forward and help us ''Bring our Children Home.''

The SPEAKER pro tempore (Mr. KUYKENDALL). Does the gentleman from California (Mr. OSE) seek to claim the remaining time of the gentleman from New York (Mr. GILMAN)?

Mr. OSE. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. OSE) will control the remaining time allotted to the gentleman from New York (Mr. GILMAN).

There was no objection.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. OSE) to speak to the issue because we have a considerable amount of time, but more importantly because the gentleman has been tireless in his efforts to bring this matter to fruition.

Mr. OSE. Mr. Speaker, I want to express my appreciation to the gentleman from New York (Chairman GILMAN) and the gentleman from Florida (Mr. HASTINGS) for their efforts here. I also want to memorialize the efforts of the gentleman from Ohio (Mr. CHABOT) and the gentleman from Texas (Mr. LAMPSON) in bringing this matter to the attention of the Congress.

What we are really talking about here is how one defines a country of habitual residency and putting the children in the position where they can live in those countries.

As others have spoken so eloquently about the fact of this matter, about the relative rates of return by our country to others as opposed to those of other countries to us, I will not spend a lot of time on that.

But I do want to make a couple points, and that is I am new here, if you will. I have asked for recognition from the gentleman from Florida (Mr. HASTINGS) from the other side of the aisle, and I have come to the lectern that is typically reserved for Members of the other side, to highlight that this issue is not a partisan issue. This is an issue that touches every single district in this country. It touches constituents from Portland, Maine; to San Diego, California; to Binghamton, New York; to Seattle, Washington. Every single district. That is why it is important.

Now, the gentleman from Texas (Mr. LAMPSON) highlighted a success story that we recently had. I am hopeful that that gentleman and his child are home now. I am hopeful that the second case that the gentleman mentioned comes to a successful fruition, also. I am willing to take these cases one at a time, just case by case. I want to start on June 2 and June 3 by having the President of the United States speak to the chancellor of Germany about specific cases in Germany that they can both together reach out and change, the Cooke case in particular.

It is possible for two people, President Clinton and Chancellor Schroeder, to get together and change the course of the future of that family for the positive, consistent with the treaty that both countries have our adherence to, consistent with the case law and the family law in both countries.

Before I came to Congress, I once heard that it takes a village to raise a child. I do not say that in any means to belittle it, because it is true. We collectively raise our children. There are times when I am not home, and my neighbor helps raise my kids.

What we need to have is for the President to stand and speak for the parents and children who are Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) and note that she, too, has been tireless in her efforts and is a cosponsor of the measure before us today.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me, first of all, thank the gentleman from Texas (Mr. LAMPSON) and the great work that I have enjoyed, him leading out on and being able to be part of the Caucus for Missing and Exploited Children, as it has worked with the caucus that I have chaired, the Congressional Children's Caucus.

I wanted to rise today because this is such an important piece of legislation to advocate for the importance of children in America and the importance of the sanctity and the sacredness of our children.

Let me briefly suggest that America has watched over the last couple of months the unfolding of an enormous drama of a child and his parent. With that emphasis, I can understand the pain that has been experienced by so many American parents who have asked the question, why not us? If not now, when?

So this is an important resolution to say to countries like Germany and Austria and Sweden and other countries around the world that we pride the children of American citizens who have been abducted and kidnapped around the world; we will not stand for their misuse and abuse and not having them reunited with their families.

I simply say that the Hague Convention is an important part of the international arena; and, therefore, it is enormously important that the Hague Convention is adhered to to ensure that the custody rights and the laws of one contracting state are effectively respected with other contracting states. This is all that the parents ask for. This is all that Joseph Cooke wanted, to be able to see his two children that were abducted from him and from this country and taken as strangers to Germany.

I would simply ask my colleagues to allow this opportunity for this legislation to be our resounding statement that we pride and love our children and that we will work with America's parents to ensure their safe return to them.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 293, I rise in support of urging member nations of the Hague Convention on the Civil Aspects of International Child Abduction to comply with this most important treaty.

This Resolution urges the United States and member nations to implement legislation in the International Child Abduction Remedies Act and establishes reciprocal rights and duties between contracting states to expedite the return of children to the state of their habitual residence.

The purpose of the Hague convention is to ensure that the custody rights under the laws of one contracting state are effectively respected in other contracting states.

Although the Hague Convention provides a narrow exception to the requirement of the prompt return of children that releases the member state from its obligations, but this is only if it has been determined that returning the child would impose a ''grave risk'' of ''physical or psychological harm'' among other things.

Unfortunately, member states have abused this exception and are condoning the illegal separation of children across the country from their biological parents.

For example, Joseph Cooke of New York, lost his two children to strangers in Germany after his ex-wife abducted them and placed them in the care of the German Youth Authority.

The fact that Joseph was awarded custody by a U.S. Court and the fact that the Hague Convention, of which Germany is a member, requires that custody be determined in the child's home country, the German courts awarded custody to the foster family.

The State Department claims that is cannot enforce the Hague Convention or interfere in decisions overseas, but there are ways in which the United States can urge compliance with this treaty and I, along with the 132 cosponsors of this resolution, hope that the Secretary of State will make the commitment to help rectify this continual tragedy occurring across the world today.

The State Department has 1,148 open international custody cases, including 58 in Germany. But that number represents only a fraction of the children abducted abroad because most families never file their cases with the State Department.

The discrepancy between the United State's compliance and that of other countries like Germany is alarming!

From 1990 to 1998, the State Department received 369 Hague applications from parents whose children had been abducted to Germany. Yet, only 80 children, including those that have been voluntarily returned by the abducting parents, have come back. On the other hand, U.S. courts return 90 percent of the children in Hague cases.

The National Center for missing and Exploited Children has done a tremendous job in assisting distraught parents retrieve their children, but they need help.

Since Article 21 of the Hague Convention obligates member states to cooperate with each other to promote the ''peaceful enjoyment of parental access rights,'' there is no excuse for countries such as Germany, Austria and even Sweden for allowing such a travesty of justice to take place.

I urge my fellow members of Congress to pass this most important resolution that urges compliance with the Hague Convention.

We can no longer stand idly by as American parents are subjected to the torture of not being allowed to see the most precious gift God has given them, their children.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. HOUGHTON) will control the remaining time of the majority side.

There was no objection.

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

The SPEAKER pro tempore. The gentleman from New York (Mr. HOUGHTON) has 12 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 6 minutes remaining.

□ 1315

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

Mr. Speaker, I would simply like simply to thank the majority staff of the Committee on International Relations for their handling of this matter, and, of course, the minority staff, with specific reference to Sean Carroll and Kathleen Moazed, and my legislative director, Fred Turner, and all of us that are associated with this matter.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my support for the House Concurrent Resolution, H. Con. Res. 293, which calls on parties to the Hague Convention on Civil Aspects of International Child Abduction to abide by the provisions of that agreement.

The State Department reports that nearly 1,000 children a year are abducted by a parent and taken outside of the United States. According to a report recently released by the General Accounting Office, despite the efforts of the Federal Government, Americans have little chance of regaining custody of children abducted by a parent and taken to a foreign country. Success in these tragic situations is often elusive because it largely depends on the willingness of foreign governments to cooperate.

The 1980 Hague Convention outlines procedures for resolving international child abduction disputes among 54 countries. However, international child abduction remains a serious problem. The denial of parental visitation of children, and the failure of several contacting countries to fully implement the Convention, deprives the Hague Convention of the spirit of mutual confidence upon which its success depends. Countries that deny parents access to their own children merely reward abducting parents and endangers the well-being of abducted children for the rest of their lives.

Several families in my Congressional District in New York have personally experienced the terrible psychological and financial strains of international child abduction. The wrongful retention of American children abroad touches not only left-behind parents and their families but also our entire Nation.

Mr. Speaker, it is time that we all focus our collective attention on missing children and support H. Con. Res. 293

Mr. PORTMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 293, which calls on nations that are signatories to the Hague Convention on the Civil Aspects of International Child Abduction to live up to their treaty obligations. I am an original cosponsor of this legislation, and I commend the gentlemen from Texas [Mr. LAMPSON] and Ohio [Mr. CHABOT] for their work on this issue.

This issue was brought home to me by one of my constituents, Tom Sylvester of Blue Ash, Ohio. Tom's daughter Carina was taken by his Austrian-born wife on October 30, 1995. Although both the Austrian Central Authority and the Austrian Supreme Court ruled that Carina should be returned to the United States and to Tom's custody, the ruling was never enforced. The only contacts Tom has had with his daughter are a few brief supervised meetings in Austria, and his phone calls to her are always placed on a speaker phone, undoubtedly being monitored.

Although the Hague Convention has helped in getting a just decision rendered, the United States currently has no way to force another country to enforce its own laws and judicial decisions within its own borders. In fact, the United States has no recourse if another participating member country does not live up to its obligations under the Convention.

I have been working with the State and Justice Departments on Mr. Sylvester's behalf since July of 1998, and I can tell you that it has been a difficult and discouraging process. What is most frustrating is that Mr. Sylvester has done everything correctly under the terms of the Hague Convention, and still, more than four years later, he has been able to spend only a few precious minutes with his young daughter. He cannot even get the Austrian authorities to grant him an agreed upon visitation schedule, and have instead subjected him to a number of indignities.

We owe it to Tom Sylvester and thousands of other parents who have suffered the same difficulties as he has to pass this resolution today. And I urge my colleagues to let this be the first of many steps needed to return these American children to their rightful homes.

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

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

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 293, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

The Clerk read as follows:

H.R. 4489

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 ''Immigration and Naturalization Service Data Management Improvement Act of 2000''.

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

''SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

''(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

''(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

''(1) provides access to, and integrates, alien arrival and departure data that are—

''(A) authorized or required to be created or collected under law;

''(B) in an electronic format; and

''(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

''(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from, the United States;

''(3) matches an alien's available arrival data with the alien's available departure data;

''(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

''(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

''(c) CONSTRUCTION.—

''(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

''(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

''(B) requirements that are inconsistent with the North American Free Trade Agreement.

''(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

''(d) DEADLINES.—

''(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

''(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

''(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

''(e) REPORTS.—

''(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

''(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

''(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

''(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

''(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

''(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien's country of nationality.

''(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

''(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine

which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

''(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

''(g) USE OF TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

''Sec. 110. Integrated entry and exit data system.''.

SEC. 3. TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies with an interest in the duties of the Task Force, including representatives of agencies with an interest in—

(i) immigration and naturalization;

(ii) travel and tourism;

(iii) transportation;

(iv) trade;

(v) law enforcement;

(vi) national security; or

(vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) TERMS.—Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES.—The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through—

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 4489 represents a bipartisan collaborative bill. Many people deserve credit, including Senator SPENCER ABRAHAM and the gentleman from Michigan (Mr. UPTON), the gentleman from New York (Mr. MCHUGH), the gentleman from New York (Mr. LAFALCE), the gentleman

from New York (Mr. QUINN), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. REYNOLDS) and the gentleman from Michigan (Mr. CONYERS).

Also, I want to thank the Travel Industry of America, Americans for Better Borders, the U.S. Chamber of Commerce, the American Trucking Association, the Canadian/American Border Trade Alliance, the INS, the Canadian Embassy, the Mexican Embassy, the Border Trade Alliance, and the U.S. Caucus of Mayors for giving us their valuable input and support.

Over a dozen meetings were held over several months' time with the interested parties. The efforts of John Lampmann, chief of staff for the 21st Congressional District, and Lora Ries, Counsel for the Subcommittee on Immigration of the Committee on the Judiciary, were crucial to obtaining the desired results.

H.R. 4489 focuses on an integrated entry and exit data system that will be funded, developed, and implemented by 2005. This bill will integrate all INS and State Department databases that support the entry and exit of aliens at airports, seaports, and land border ports of entry.

The database systems that the INS currently use are often independent from each other. As a result, INS officers and inspectors and State Department consular officers are unable to learn an alien's prior U.S. travel activities from the INS and State Department consular offices. Without this information, aliens can slip through the cracks, as we saw in the case of Mr. Resendez, the recently convicted railroad killer.

This bill emphasizes that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can access any entry and exit information with respect to an alien before them.

Once the INS implements the entry exit data system, the Attorney General is required to submit an annual fiscal year report to the Committees on the Judiciary of the House and Senate. A task force will be funded to examine specific ways to further the development of the integrated entry and exit data system. The Attorney General is expected to update and improve the integrated entry and exit data system as technology improves and as recommendations of the task force are received.

The task force will examine how technology can facilitate the flow of people through ports of entry, whether by air, sea, or land. By using the speed of technology and the Nation's immigration system, the bill both speeds the flow of the traffic through ports of entry and contributes to the development and usefulness of the integrated entry and exit data system over time.

Mr. Speaker, I urge my colleagues to support this bill.

H.R. 4489, the ''INS Data Management Improvement Act,'' is intended to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), to require the implementation of an integrated entry and exit data system at airports, seaports, and land border ports of entry at new, specified deadlines, and to establish a task force to assist the Attorney General in implementing section 110.

BACKGROUND

In 1996, the Congress overwhelmingly passed IIRIRA. Section 110 of IIRIRA called for an automated entry-exit control system no later than two years after the date of enactment of IIRIRA, which was September 30, 1996. Without defining the control system, section 110 required that the system collect a record of departure for every alien departing the United States and match the departure records with the record of the alien's arrival into this country. The system also required that the Attorney General be able to identify electronically lawfully admitted nonimmigrants who remain in the United States beyond their authorized period of stay.

In addition to the entry-exit control system, section 110 required the Attorney General to submit to the congressional Judiciary Committees annual reports on the system. The reports should include the number of departure records collected; the number of departure records successfully matched to records of the alien's prior arrival in the United States; and the number of aliens who arrived as nonimmigrants or under the Visa Waiver Program for whom no matching departure record has been obtained as of the end of the alien's authorized period of stay.

Finally, section 110 required information regarding aliens who have overstayed their visas to be integrated into data bases of the INS and State Department, including those used at ports of entry and at consular offices.

Subsequently, section 110 was amended to change the deadlines of the automated entry and exit control system. The deadline for the system at airports was changed to October 15, 1998, and the deadline for land border ports of entry and seaports was changed to March 30, 2001.

With the March 30, 2001, deadline less than a year away and the INS no closer to having a control system at land border ports of entry, various Members of Congress and interest groups grew concerned. They wanted to repeal section 110 out of fear that trade and tourism would be hurt by new data collection requirements at the land border ports of entry, causing delays at the border to grow.

This bill focuses on the task the INS faces in implementing an entry/exit system. The idea is that it should be an electronic data base system. With technology advancing so rapidly, technology will drive the INS' ability to collect information on who are entering and exiting the U.S. and who are overstaying their visas. As such, H.R. 4489 focuses on the INS' ability to use technology to improve its current collection database systems and to integrate its systems. The database systems that the INS currently uses are often independent from each other. As a result, INS officers and inspectors, and State Department consular officer are often unable to learn an alien's prior travel activities in another part of the United States or in another country. Without this information, aliens can slip through the cracks, as in the case of Mr. Resendez, the recently convicted ''railroad killer.'' Therefore, this bill emphasizes that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can assess any entry and exit information with respect to an alien before them.

In addition, the bill creates a task force to study and recommend methods to continuously improve and update the INS' database system as technology advances. This infrastructure in support of the INS integrated system development allows for private-public recommendations, a major contribution of the bill.

THE BILL

H.R. 4489 requires the Attorney General to implement an integrated entry and exit data system. The intent behind this system is that any arrival and departure data that the INS and the State Department are authorized or required to create or collect must now be entered electronically into a database. In addition, the database must be integrated and provide access to other ports of entry, internal enforcement, and consular offices. As technology improves, so should the data system improve.

The bill is different from the current section 110 of IIRIRA because it now defines the entry/exit system. This system is to: (1) provide access to and integrate alien arrival and departure data; (2) use this data to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from the United States; (3) match an alien's arrival data with the alien's departure data; (4) assist the Attorney General and the Secretary of State to identify electronically lawfully admitted nonimmigrants who overstayed their visas; and (5) permits the Attorney General to make reports.

Nothing in this bill should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, particularly aliens who have had document requirements waived under section 212(d)(4)(B) of the Immigration and Nationality Act by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to foreign contiguous territories or adjacent islands. However, this bill does not affect the authority of the Attorney General or the Secretary of State to create new documentary or data collection requirements in other provisions of law.

The integrated entry and exist data system is to be implemented at airports, seaports, and land border ports of entry. However, because each type of port of entry has different infrastructure and processing procedures, it does not make sense to have one uniform deadline for implementation. Since section 110 was enacted in 1996, the INS is already implementing such a system at airports and seaports. Thus, implementation of the data system at airports and seaports is due by December 31, 2003.

Land border ports of entry will require additional time to implement the entry/exit data system. Also, traffic, infrastructure, and resources used at all of the land border ports of entry vary greatly. While some land ports receive heavy traffic and use a significant amount of resources, other ports receive minimal traffic and have few resources. Because the former group of land ports will require less time and resources to implement the entry/exist data system that the latter group, the former group has an earlier deadline. The 50 land border ports of entry determined to serve

the highest numbers of arriving and departing aliens are to have the system implemented by December 31, 2004. The entry/exit data system is due at the remainder of the land border ports of entry by December 31, 2005. Implementing at the land ports of entry with the highest traffic first is also an efficient method of gathering arrival and departure information.

Once the INS implements the entry/exit data system at a defined group of ports of entry, the Attorney General is required to submit an annual fiscal year report to the Judiciary Committees of the House and Senate. These reports will include and analyze the following information: (1) The number of aliens for whom departure data was collected, including country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien's arrival data, including country of nationality and an alien's classification as an immigrant or nonimmigrant; (3) the number of aliens who arrived with a nonimmigrant visa or under the visa waiver program for whom no matching departure date was obtained as of the end of the alien's authorized stay, including the country of nationality and date of arrival in the U.S.; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

The Attorney General, in consultation with the Secretary of State, will determine which officers and employees of the Justice and State Departments may enter data into and have access to the data contained in the entry/exit data system. Likewise, the Attorney General has the discretion to permit other federal, state, and local law enforcement officials to have access to the data for law enforcement purposes.

The Attorney General is expected to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force.

H.R. 4489 requires the Attorney General, in consultation with other involved Secretaries, to create a task force made up of government and private sector representatives of agencies and industries interested in port of entry issues. The primary duty of the task force is to evaluate how the Attorney General can efficiently and effectively carry out section 110. Advancing technology should drive such an evaluation. As the INS uses advanced technology at ports of entry, the flow of traffic at ports of entry will improve, thereby increasing trade and tourism, a universal goal.

In this study, the task force is encouraged to examine how to simplify the entry/exit documents currently collected by the INS and State Department, without decreasing the quality of the information obtained. For example, in reviewing how to improve the flow of traffic at ports of entry, the task force should examine the current documentary requirements for business people and tourists entering the United States, including those entering from Mexico by air. After completing such review, the task force may develop recommendations concerning how these requirements can be streamlined to improve the flow of persons between the United States and Mexico in accordance with the substantial growth in goods and services trade that has occurred since enactment of the North American Free Trade Agreement.

The Congressional Budget Office has indicated that this bill will not cause direct spending.

SECTION-BY-SECTION ANALYSIS

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA

Section 2 amends section 110 of IIRIRA through the sections that follow.

Section 110(a) requires the Attorney General to implement an ''integrated entry and exit data system.'' Section 110(b) defines ''integrated entry and exit data system'' as an electronic system of alien arrival and departure data that is integrated and provides access to INS ports of entry, the INS interior inspection sites, interior offices, and State Department consular offices. The arrival and departure data used in the system is composed of that which is authorized or required to be created or collected by law. The electronic system uses the data to create a report of arriving and departing aliens by country of nationality; classification as an immigrant or nonimmigrant, and date of arrival in, and departure from the United States. The system is also required to match an alien's arrival data with the alien's available departure data. It should assist the Attorney General and the Secretary of State to identify, electronically, lawfully admitted nonimmigrants who may have remained in the United States beyond their authorized period. Finally, the system should enable the Attorney General to create the annual congressional reports required in section 110(e).

Section 110(c) explains that nothing in section 110 should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, including those aliens who have had either or both of the requirements of section 212(a)(7)(B)(i) of the Immigration and Nationality Act waived by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and their residents have a common nationality with such nationals. In addition, section 110 does not permit the Attorney General or the Secretary of State to require documents or data from aliens that are inconsistent with the North American Free Trade Agreement. While section 110 restricts the Attorney General and the Secretary of State from imposing new documentary or data collection requirements upon aliens, section 110 does not reduce the authority of the Attorney General or the Secretary of State from creating new documentary or data collection requirements in any other provision of law.

Section 110(d) imposes staggered deadlines upon the Attorney General to implement the integrated entry and exit data system at the different types of ports of entry. By December 31, 2003, the Attorney General is to be using available alien arrival and departure data described in subsection (b)(1) with respect to aliens arriving in, or departing from, the United States at an airport or seaport. This implementation includes ensuring that the data collected or created by an immigration officer at an airport or seaport are entered into the system and is accessible by immigration officers at other airports and seaports.

Section 110(d)(2) requires the Attorney General to implement the integrated entry and exit data system using the data already implemented at airports and seaports, combined with available alien arrival and departure data described in subsection(b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry serving the highest numbers of arriving and departing aliens. Such implementation is due no later than December 31, 2004, and should ensure that when the data is collected or created by an immigration officer at a port of entry, is entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.

Section 110(d)(3) requires the Attorney General to fully implement by December 31, 2005, the integrated entry and exit data system, using all of the data described in subsection (b)(1). This implementation should include ensuring that all data are available to immigration officers at all ports of entry into the United States.

Once the Attorney General begins implementing the integrated entry and exist data system, section 110(e) requires the Attorney General to submit an annual fiscal year report to the Judiciary Committees on the House and Senate by December 31. These reports will include and analyze the following information: (1) the number of aliens for whom departure data was collected during the reporting period, including the departing alien's country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien's arrival data, including country of nationality and an alien's classification as an immigrant; or non immigrant; (3) the number of aliens who arrived with a nonimmigrant visa or under the visa waiver program for whom no matching departure date was obtained as of the end of the alien's authorized stay, including the country of nationality and date of arrival in the U.S.; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

Section 110(f) permits the Attorney General, in consultation with the Secretary of State, to determine which Justice and State Department officers and employees may enter data into, and have access to the data contained in, the integrated entry and exit data system. The Attorney General, in his or her discretion, may also permit other Federal, State, and local law enforcement officials to have access to the data contained in the data system for law enforcement purposes.

Sectiono 110(g) requires the Attorney General to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force created in section 3 of this bill.

Section 110(h) authorizes appropriations to carry out section 110 such sums as may be necessary for fiscal years 2001 through 2008.

SEC. 3. TASK FORCE

Section 3(a) Establishment. Section 3(a) requires the Attorney General to consult with the Secretary of State, Secretary of Commerce, and Secretary of Treasury to establish a task force no later than six months after the date of enactment of this Act.

Section 3(b) Membership. Section 3(b) establishes that the Attorney General will be the chairperson of the task force and will appoint the other 16 members. In appointing the task force members, the Attorney General shall include representatives of federal, state, and local agencies with an interest in the duties of the task force, including agencies with an interest in immigration and naturalization; travel and tourism; transportation; trade; law enforcement; national security; or the environment. In addition, the Attorney General must include private sector representatives of affected industries and groups as members of the task force. Each member of the task force will be appointed for the life of the task force. Any vacancy should be filed by the Attorney General. Members of the task force will not be compensated for their service on the task force.

Section 3(c) Duties. Section 3(c) requires the task force to evaluate the following: (1) how

the Attorney General can efficiently and effectively carry out section 110 of HRIRA, as amended by this bill; (2) how the U.S. can improve the flow of traffic at airports, seaports, and land border ports of entry by better use of technology, resources, and personnel; increasing cooperation between the public and private sectors; increased cooperation among federal and state agencies; and modifying information technology; and (3) the cost of implementing each of its recommendations.

Section 3(d) Staff and Support Services. Section 3(d)(1) permits the Attorney General to appoint and terminate an executive director and any other additional personnel necessary to enable the task force to perform its duties. The employment and termination of an executive director is subject to confirmation by a majority of the task force members.

Section 3(d)(2) establishes a compensation rate ceiling for the executive director at level V of the Executive Schedule. The Attorney General may fix the compensation of other personnel, except the pay rate may not exceed level V of the Executive Schedule.

Section 3(d)(3) permits any federal government employee, with approval by the head of the appropriate federal agency, to be detailed to the task force without reimbursement and without interference or loss of civil service status, benefits, or privilege.

Section 3(d)(4) allows the Attorney General to obtain temporary and intermittent services for the task force at compensation rates not to exceed level V of the Executive Schedule.

Section 3(d)(5) requires the Administrator of General Services to provide, at the Attorney General's request, administrative support services necessary for the task force to carry out its responsibilities.

Section 3(e) Hearings and Session. Section 3(e) permits the task force to hold hearings, sit and act at times and places, take testimony, and receive evidence as the task force deems appropriate.

Section 3(f) Obtaining Official Data. Section 3(f) allows the task force to directly secure from any United States department or agency information necessary to perform its duties. It also requires the head of the department or agency to furnish the information to the task force upon the request of the Attorney General.

Section 3(g) Reports. No later than December 31, 2002, and no later than December 31 of each year thereafter in which the task force is in existence, the Attorney General must submit a report to the Judiciary Committees of both the House of Representatives and the Senate containing the findings, conclusions, and recommendations of the task force. Each report will also measure and evaluate how much progress the task force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work. In addition, the Attorney General may delegate to the INS Commissioner the responsibility of preparing and transmitting these reports.

Section 3(h) Legislative Recommendations. Section 3(h) requires the Attorney General to make such legislative recommendations as the Attorney General deems appropriate to implement the task force's recommendations and to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations. The Attorney General is permitted to delegate to the INS Commissioner the responsibility of preparing and transmitting any such legislative recommendations.

Section 3(i) Termination. Section 3(i) terminates the task force on a date designated by the Attorney General once the task force work is completed.

Section 3(j) Authorization of Appropriations. Section 3(j) authorizes appropriations such sums as may be necessary for fiscal years through 2003.

SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION

Section 4 states that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

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

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

Mr. Speaker, I would like to begin by thanking everyone that has worked on this measure. This is a very positive ending to what was originally a very rancorous matter in our committee because H.R. 4489 would eliminate the entry-exit data collection system required by section 110 of the immigration law for the U.S. and Canadian and Mexican borders.

I have long opposed the section 110 entry and exit system because of the adverse impact it would have on the people and businesses of Michigan and other border States. Implementation of this section at land ports of entry would cause massive traffic congestions along our borders, bringing personal and business travel at many border points to stands still. This would have a crippling effect on trades and tourism.

For example, at the Ambassador Bridge in Detroit, more than 30,000 crossings per day take place. As little as a fraction of a minute added to the processing time of each of these vehicles would result in miles and miles of snarled traffic on both sides of the border. Tourists would be less likely to visit our border towns, and businesses, particularly those dependent on just-in-time delivery, would suffer.

These prices are far too high to pay for a data collection system that, sadly, is unlikely to achieve its primary objective, dealing more effectively with persons who come to this country as visitors and overstay their visas. Under section 110, the INS would know who these individuals are but they would not know where they are. The information would probably have very little enforcement value.

By contrast, H.R. 4489 would replace the entry-exit data collection system with a system for making use of the vast quantity of information we already gather on individuals entering and exiting this country. The information would be entered into a database that would allow U.S. immigration officials and consular officers based overseas to access it. More importantly, it would not lead to new border delays.

Canada and the United States benefit from an outstanding relationship between citizens and businesses. Last year, more than 13.4 million Canadians came to the United States to do business, shop, visit our restaurants and tourist sites. In my home State of Michigan alone, more than 1.2 million Canadians visited for one night or more and added $216 million to the State's economy. H.R. 4489 will obviously help protect that flow of business and tourism.

So my thanks, Mr. Speaker, to the chairman of the Subcommittee on Immigration, the gentleman from Texas (Mr. SMITH), and our friend, the gentleman from Michigan (Mr. UPTON), and our ranking member on the subcommittee, the gentlewoman from Texas (Ms. JACKSON-LEE). Their leadership on this bipartisan legislation was important, and I too would urge a ''yes'' vote.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, this bill is brought up under suspension of the rules, and usually those measures are brought up when they are noncontroversial. Until about a month or two ago this issue was very controversial. In fact, a year ago there were probably some of us on both sides of the aisle that were ready to do battle, with swords.

This has been a tough battle, and I want to particularly commend the thoughtfulness and the hard work of my colleague, the gentleman from Texas (Mr. SMITH). There were a number of us that were able to get together with the gentleman from Texas on both sides of the aisle. We had a number of associations across the country as well, whether they be the White House, whether they be the Governors Association, the Chamber of Commerce, or Republicans and Democrats. The gentleman from New York (Mr. LAFALCE) and I headed up the charge, on our side. And I had the privilege over the last couple of years, with others in this body that are on the floor now, of participating jointly with our Canadian counterparts, our colleagues from Canada.

This has been the number one issue the last number of years. Why is that? In my home State of Michigan, we have more than a billion and a half dollars of trade that literally goes across the bridge into Canada every day. Every day. We have thousands of Americans and Canadians that cross the border to work, whether it be at hospitals or other places. And, sadly, under the old rules, I guess those that are still present today until this legislation becomes law, under that section 110, had it been allowed to come into play, it would have meant a delay for days, perhaps, for people to go simply from one side of the border to the other, whether it be for dinner, for a job, or whatever it might be.

Thanks to the leadership of people on this floor today, particularly my colleague, the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. MCHUGH), the gentleman from Florida (Mr. STEARNS),

and others, we were able to have a meeting of the minds. And in fact, we have legislation now that, when it is passed this afternoon, and thanks to the leadership of many in the Senate as well, instead of coming to war over this issue, like we almost did last year, in essence we are able to come shoulder to shoulder and do something for the American good that will help both countries, and Mexico as well, but our interest certainly has been Canada, for those of us from Michigan. But we are going to resolve this issue by using our heads and our minds and our words.

I just want to commend again my colleague from Texas for allowing us to take this bill on a fairly rapid course through his subcommittee, our leadership by getting it to the floor today, and, in essence, getting away next year, instead of having that date come into play, when literally our borders would be locked and sealed and folks would be unable to cross the border for whatever purpose. In fact, this opens the door in a meaningful way; and one that I think was certainly the intent of the legislation that was passed.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member on the Subcommittee on Immigration and Claims.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), and I thank the chairman of the subcommittee.

Who said that this could not be done; fixing section 110? I want to thank the members of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and the chairman of the subcommittee for what I think is a very good resolution, along with the many others who have worked on this improvement of section 110.

Let me briefly just suggest that being an original cosponsor of H.R. 4489, I am glad now that it provides for continued input from government, business, and border communities. Now, under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can improve the flow of traffic at airports, seaports, and land ports of entry. The Attorney General must make legislative recommendations to implement the findings of the task force.

This bill would increase our security and use of technology, while not increasing delay or congestion at U.S. ports of entry, therefore bringing together the distinctive and disparate needs of our northern border and our southern border.

Let me also say that this spreads a whole new light on the enormous tragedy that Angel Resendez-Ramirez brought on this country, with coming in on the southern border with very limited information and the tragedy that occurred.

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If this was in place at that time, we would have had all of the data that would have suggested that this was, in fact, a bad actor in anyone's definition and, hopefully, at that time would have been able to save lives.

Let us hope perspectively that we will now be able to save lives. But, at the same time, I think it is important to note of a tragedy that is occurring at the border that I hope that we will be able to resolve perspectively, and that is the tragic killings of individuals that is increasing by those who live along the border who are frightened and fearful of those who do come across the border illegally seeking a better opportunity.

We know that all of those individuals are not criminals. We have to address that, and I hope that we will have an opportunity to address that in a way that provides the safety of a community but, yet, does not make those of us who live in this country predators and causing the loss of life of individuals who certainly would do us no harm.

This legislation, however, brings into balance the necessity of protecting the United States and, as well, balancing the business and tourism issues and interests that we might have.

I ask my colleagues to support this legislation and help us move further into solving other problems that we incur on a regular basis at our respective borders.

Thank you, Mr. Chairman. I am pleased to come to the floor today to address an issue that has been controversial over the years as a result of the 1996 Immigration law, and that is Section 110 of that law.

Section 110 of the '96 law currently requires the Immigration and Naturalization Service to establish an automated entry and exit control system at all airports, seaports and land border ports of entry by March 30, 2001. The system is to collect a record of the departure for every alien departing the U.S. and matching the records of departures with the record of the alien's arrivals in the United States.

I am pleased to be an original co-sponsor of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act. I want to commend Subcommittee Chairman SMITH and his staff for working with me and my staff to make the appropriate changes to Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These changes will encourage and expand trade, tourism and commerce to the United States while at the same time achieving important U.S. border law enforcement objectives.

H.R. 4489, a bill drafted through compromise, bipartisan and bicameral negotiations, eliminates the Section 110 requirements for implementing an entry and exit control system by March 30, 2001. Instead, H.R. 4489 would create an ''integrated entry and exit data system'' to enable INS to develop a computerized database of the information currently required to be collected by law at U.S. ports of entry.

H.R. 4489 sets out a plan for this system to be implemented in stages so that the database would eventually be accessible at all airports, seaports and land border ports, as well as U.S. consular offices. This new system would not create new data collection authority to impose documentary requirements. More importantly, this system would allow the billions of dollars of U.S. trade and travel which streams through our ports of entry to continue to flow uninterrupted.

Texas has one of the longest international borders of any U.S. state that borders Canada or Mexico. With eleven ports of entry, Texas is the largest U.S. state in exports to Mexico. Exports from Texas to Mexico reached $41.4 billion in 1999. Many of these goods flowed through Houston ports of entry. Nearly $6 billion of total merchandise flowed to and from Mexico through Houston. The metropolitan area of Houston alone exports well over $2.4 billion in goods to Mexico in 1998.

H.R. 4489 also protects the free flow of people through our ports. Texas ranks 4th in the nation in overall visitor spending. Nearly 19 million visitors traveled to the Greater Houston area in 1997, and in 1996 visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area.

H.R. 4489 provides for continued input from government, business and border communities. Under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can ''improve the flow of traffic at airports, seaports, and land ports of entry.'' The Attorney General must make legislative recommendations to implement the findings of the task force. This bill would increase our security and use of technology while not increasing delay or congestion at U.S. ports of entry.

I am also gratified that this new system will prevent fugitives like Angel Resindez-Ramirez, the infamous railway killer from entering this country undetected. This is very important.

Just a short list of the business and community organizations in support of H.R. 4489 is impressive. The U.S. Chamber of Commerce, the National Association of Manufacturers, the American Trucking Associations, the Travel Industry Association of America, the American Immigration Lawyers Association and our friends to the north and south, Canada and Mexico support this legislation. I agree and urge my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

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

Mr. HOUGHTON. Mr. Speaker, I have just two points to make here. First of all, I am from New York, and I guess we have a lot of New Yorkers around here. But this is really important not only economically but in terms of all the relations we have with Canada. So that is number one.

But number two, I have just been with my friend, the gentleman from Michigan (Mr. UPTON), at a Canadian American delegation meeting. We talked about many issues, free trade to the Americas, the issue of trade with the European Union. We talked about agricultural issues, the whole variety of things. As we left yesterday that delegation, they said, do not forget

that the single most important issue is this sword of section 110 hanging over our heads.

So I just want to say to my colleagues, as I am sure others have said far more eloquently, this is very important and I am enthusiastically supportive of H.R. 4499.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. LAFALCE), a distinguished colleague of mine and the ranking member of another committee.

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

Mr. LAFALCE. Mr. Speaker, I give special thanks to my colleague, the gentleman from Michigan (Mr. UPTON), for working so closely with me over the past several years and especially to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims. He has at all times been a scholar and a gentleman with respect to this issue. I do not want to praise this bill too much because I am afraid he might change his mind.

When the gentleman from Michigan (Mr. UPTON) was up here, he said that we are almost at sword's point over this issue, section 110. That is true. But the biggest sword was the Damoclean sword that was hanging over the heads of the border communities along both our northern and southern borders since passage of the 1996 immigration law.

Our largest trading partner is Canada. Our second largest trading partner is Mexico. It was my judgment that implementation of section 110, while not intended to do so, would have had the primary effect of basically stopping commerce and virtually all forms of intercourse amongst our nations. That was not intended, but I fear that would have been the primary effect.

Today, by working together, we are removing that Damoclean sword. But that is playing successful defensive football. We need to go beyond that now after passage of this bill. We have to go on the offensive. And what does that mean? That means that we have to improve things.

We need more personnel on both our northern and our southern borders in order to expedite the flow of commerce and people. We need more technology in order to expedite the flow of commerce and people. We need infrastructure improvements with the Federal Government involved to expedite the flow of people and commerce with respect to the northern border and my communities of Buffalo and Niagara Falls and Lewiston and surrounding areas so affected.

Prime Minister Chretien and President Clinton a few years ago agreed upon what we call the Shared Border Accord. We call upon the President, we call upon the Prime Minister to be more aggressive in pursuit and implementation of that Shared Border Accord so that eventually we can fulfill at least what I have as a vision, and that is not a border where we have difficulties, but a border between our countries similar to the border between the District of Columbia and Maryland and Virginia, a border similar to the borders that exist in Europe with the European Union, where we can have not simply interstate commerce, we can have truly internation commerce, expeditious, free. This would be the best thing we could ever do to the economies of our border regions.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

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

Mr. Speaker, this bill is, as we have heard, the product of literally months and months of study and negotiations and also, as we have heard, at times more than just a little patience. But the positive outcome has been and is today that really the product before us represents a balance, a very delicate balance, but I think a very important one, between the critical objective of ensuring that our borders are secure against all kinds of illegal activities regardless of their design, with the inescapable reality that, in today's world, as we have heard so many say here today, the free flow of tourism and trade and commerce of all descriptions and people of good will, is not just something that is positive; it is, frankly, something that is absolutely essential.

A lot of good folks, many of whom have spoken here directly, my friend the gentleman from Michigan (Mr. UPTON); the gentleman from Michigan (Mr. CONYERS); my good colleagues, the gentleman from New York (Mr. QUINN) and the gentleman from New York (Mr. HOUGHTON); and, of course, the gentleman from New York (Mr. LAFALCE); and so many others have had the opportunity to come together on this.

But I certainly want to pay particular attention to the gentleman from Texas (Mr. SMITH), the subcommittee chairman. No Member anywhere in this House on either side of the aisle has been a more valiant fighter for our secure borders. But, at the same time, his sensitivity and understanding in this issue has been exemplary. He took the time to travel from his home to the 1,000 Islands in the border crossing there at Alexandria Bay to help himself better understand the challenges and the need that we have. Thanks to his leadership, we have this afternoon what I think is a very fair, a very effective product that can take another important step in technology aspects to making our borders even more secure, while at the same time ensuring that that free flow of tourism and trade continues in a way that enures to the benefit of every citizen of this country.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I am going to return our time. We have no further speakers.

I want to thank the Judiciary staffers Perry Apelbaum, Noland Rappaport, and Leon Buck for the long, hard work they have put in in negotiating with other Members and staffers to reach what I think is a very useful accord.

I think that this will hold our committee in good stead. We have come to a very good ending on this matter, and so I am very happy to have played a small role in it.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 4489, the Immigration and Naturalization Service Data Improvement Act. This bipartisan legislation represents a good balance between the legitimate need to prevent visitors from overstaying their visas and the need to ensure efficient cross-border traffic. I do not oppose the goal of establishing an entry-exit system to monitor visa overstays. What I do oppose is establishing such a system with little disregard for its impact on trade and tourism. In my home state of Arizona, the Section 110 system, as originally devised, simply will not work. At the same time, it would have had a devastating impact on our economy. That is why I worked very hard to ensure that Section 110 not be implemented until it could be shown that it would not bring travel and tourism to a virtual standstill.

I want to commend Chairman SMITH for taking these concerns into account in drafting today's compromise. H.R. 4489 amends Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by replacing the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry with a requirement that INS develop an ''integrated entry and exit data system'' that focuses on data that the INS already collects. Using this data, the Attorney General will implement the integrated entry and exit data system by December 31, 2003, at airports and seaports and not later than December 31, 2004, at 50 land border ports of entry. This is a careful compromise which helps balance our need to monitor visa overstays with the need to preserve the smooth flow of trade and tourism.

This bill is broadly supported by the Immigration and Naturalization Service (INS), the American for Better Borders, the U.S. Chamber of Commerce, the Travel Industry Association of America, the National Association of Manufacturers, the American Council of International Personnel, the American Trucking Association, the American Immigration Lawyers Association, the Canadian/American Border Trade Alliance, the Border Trade Alliance, the Canadian Embassy, and the Mexican Embassy. I am pleased to be able to support this bill.

Mr. REYNOLDS. Mr. Speaker, I rise in support of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000.

This measure is vital to tourism, trade and industry in Western New York State; and I am pleased to join Chairman SMITH in sponsoring this legislation, and am grateful for all his hard work to ease border congestion while ensuring safety and efficiency.

H.R. 4489 amends Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, replacing the current requirement that a record of arrival and departure be collected for every alien at every point of entry.

Section 110 was an attempt to identify visa overstays in the U.S. Neither Canadian nor U.S. citizens require visas. However, the implementation of this part of the law had the potential to cause more problems than it solved.

In 1998 alone, there were more than 76 million entries and exits to the U.S. by Canadian citizens.

Some of the largest of those crossing points are along the New York-Ontario border. In fact, Western New York is the largest port in the state of New York.

More than $85 billion in goods and services moved back and forth between Western New York and Southern Ontario in 1998 alone. And about $140 million per day moves across its border crossings.

It was anticipated that stopping every vehicle entering and exiting the U.S.—as Section 110 required—would have caused 30 hour crossing delays at busy international border points. Business and industry in Western New York hoping to grow from increased trade and commerce simply could not afford those types of delays.

As NAFTA continues to encourage trade between the U.S., Canada and Mexico, the growth in traffic across the U.S./Canada border is expected to continue its 4%–7% annual growth rate over the next decade.

Commercial vehicles must cross the northern border quickly and efficiently for U.S. companies to remain globally competitive and attract new foreign investment.

Congress must correct the problems associated with Section 110 as currently written to facilitate international commerce and promote continuing economic development in New York State and across the country. This legislation does that and, on behalf of Western New York residents and businesses, I urge its adoption.

Mr. BONILLA. Mr. Speaker, I am very pleased to see we have fixed the Section 110 problem by removing the cumbersome requirements made under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This is a very important issue to me, my constituents and all Americans living on our nation's borders. I have always made it a priority to see that no unnecessary burdens are placed on border residents. The implementation of Section 110, as proposed in 1996 would have crippled and severely restricted cross border trade, tourism and the environment.

It should be highlighted that H.R. 4489 does not create any new documentary requirements. We have amended section 110 to create an integrated entry and exit database system. We have allowed our advanced technology to direct our policy. The new system, once implemented, will match an alien's arrival data with their departure data. It will also produce a report of an alien's country of nationality and identify any non-immigrant who may have overstayed their visas. The bill also creates a task force to study and recommend methods to continuously improve and update the INS' database system as technology advances. This will ensure we are always current with the most efficient and effective ways to safe and lawful border crossing.

The people living on our borders will benefit from this legislation, as it will facilitate expedient, safe and lawful cross border trade and tourism.

Mr. REYES. Mr. Speaker, I rise today in strong support of the bipartisan agreement reached on Section 110 and presented to the House as H.R. 4489. I am proud to be an original cosponsor of this bill and ask all of my colleagues to support this legislation. This compromise legislation will achieve the enforcement goals of Section 110 without punishing communities along the border.

H.R. 4489 eliminates the Section 110 requirements of implementing an entry/exit control system by March 20, 2001 and instead requires the INS to automate its ability to collect information on who is entering and exiting the U.S. This is good news for communities like El Paso that would have been devastated by the full implementation of Section 110. Our ports-of-entry, which are already stressed, would have become parking lots. Business would have suffered and tourism would have disappeared. Trade, which is so important to my district and others along the border, would have suffered greatly.

I commend Chairman SMITH for this efforts during these negotiations. The goals of Section 110 are admirable. This bill allows us to make use of the information that we already gather on people entering and exiting this country. That is an important first step we must take prior to adding additional requirements to an already overwhelmed agency.

What this entire debate has shown us is that we must do a better job of providing the INS and Customs with additional personnel to man the ports-of-entry. We must make it a priority to staff the ports-of-entry along the Southwest Border so that we can have all lanes open for traffic. Additional personnel will allow us to better manage our borders, enforce our laws, and facilitate the flow of commerce. This is a good bill and I urge my colleagues to support this compromise.

Mr. BONIOR. Mr. Speaker, when Congress passed the immigration reform bill in 1996, no one in this body thought they were voting for a bill that would tie up our borders with Mexico and Canada.

But that's what could happen unless we pass this corrective legislation today.

Section 110 of the 1996 immigration bill was interpreted as requiring Canadian and Mexican citizens to obtain entry and exit documents when traveling to the United States—even though the authors of the bill acknowledged that was not its purpose.

For communities at the border, Section 110 of the immigration bill is a disaster waiting to happen—clogged bridges, tunnels, and roads—impacting commerce and tourism.

I know that at the Blue Water Bridge, at Port Huron in Michigan, delays can already lead to hours waiting in line at our border with Canada. But improvements are being made to relieve the congestion.

All the efforts that have been made to improve our borders will be for naught if the visa requirement is implemented.

We don't need an onerous, unnecessary requirement that will further congest our borders.

That's why we should pass this sensible compromise legislation today. I'm pleased to join as a cosponsor of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000.

Tourism, trade, and border communities will be devastated if Section 110 is not changed. This is our chance to make it right.

We can patrol our border effectively if we give the INS and Customs Service the resources they need to do their jobs well.

Let's use the opportunity we have today to correct this major flaw. Please join me in voting for H.R. 4489.

Mr. SWEENEY. Mr. Speaker, I rise in strong support of this consensus legislation, H.R. 4489, the INS Data Management Improvement Act.

As a Representative of a region highly dependent upon economic ties with Canada, I have long been concerned that the implementation of Section 110 of the 1996 Immigration reform Act would adversely affect commerce, trade, and tourism for the North Country region of New York.

I note that New York City and Montreal are the two largest metropolitan areas on the Eastern Seabord. The 22nd Congressional district of New York lies directly between them, providing tremendous economic opportunities for our residents.

The compromise today allows for increased data collection and monitoring at our borders without compromising the flow of goods and tourists that are essential to the New York-Montreal trade corridor.

New York exported $10 billion in goods to Canada in 1998 and hosted 2.2 million Canadian visitors.

This exchange is already hampered today by the outdated facilities and lack of resources and our border crossings in New York.

This agreement today ensures that this situation of gridlock at our borders will not be worsened by the implementation of Section 110.

I thank the Subcommittee Chairman, Mr. SMITH and the cosponsors for their hard work on this legislation.

Mr. QUINN. Mr. Speaker, I rise in strong support of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act. As you all know, we have been grasping for a solution to the Section 110 problem for several years now. And now, through months of hard work and negotiations, I am pleased to lend my full support to this bipartisan solution to this vexing problem.

This legislation will amend Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act in two ways. First, this bill will create a database to integrate and centralize the information that is already collected about aliens entering and leaving the United States. This solution will impose no new information collection requirements.

Second, the bill establishes a task force that will issue findings and recommendations on enhancing data collection. The task force will also study and make recommendations on how to improve congestion at border points and facilitate border crossings. This task force will be made up of representatives of the public sector including agencies with interests in trade, tourism, transportation, immigration, law enforcement, national security and the environment. The task force will also include private sector representatives from affected industries.

Section 110, as written in the 1996 Immigration Reform law, would have had a devastating impact on the economies of border

communities. By requiring a record of every person entering and leaving the US, border crossings would have been effectively shut down. The lengthy delays that are already experienced at border crossings would have been increased to a near stand still. This legislation today, accomplishes the laudable goal for section 110, without effecting border traffic. Tracking aliens in the United States is something we need to facilitate. This bill will do that. I am thrilled that we have come to this important compromise.

I would like to take a moment to thank Chairman SMITH, for his willingness to sit down and spend the hours and days that it took to reach this solution. I would also like to thank Congressmen UPTON, LAFALCE, MCHUGH, HOUGHTON, REYNOLDS and all of the other members and staff who spent so much time and effort to reach this compromise. I urge my colleagues to support this bill.

Ms. STABENOW. Mr. Speaker, I rise to join this bi-partisan effort to improve the provisions of section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This much needed revision of section 110 seeks to ensure that the law enforcement objectives of the 1996 law are preserved without adversely impacting Michigan's strong tourism and Trade industry. Mr. Speaker, to those of us who always opposed the provisions of section 110 that would produce enormous backups at our borders, this bill represents a much needed and long awaited compromise. The people of the great State of Michigan, some of whom cross the international border to Canada every day, are well served by this revision. I look forward to finding further ways we can improve our security and ensure the free flow of tourists and goods through the state of Michigan.

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

Mr. SMITH of Texas. Mr. Speaker, we had an additional speaker on the way, the gentleman from New York (Mr. QUINN), and he has not yet arrived. Without the presence of the gentleman, I will go on and say to the Speaker, I have no requests for additional time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4489.

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

A motion to reconsider was laid on the table.

HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 371) to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill:

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 6, strike out ''In'' and insert ''(a) In''.

Page 4, strike out all after line 15, down to and including line 25 and insert:

(3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B); and

(4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.

(b) The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I include for the RECORD the following letter from Philip SMITH, Director of Lao Veterans of America, Inc.:

Mr. Speaker, I ask unanimous consent to place the following letter in the RECORD.

LAO VETERANS OF AMERICA, INC.,
Washington, DC, May 22, 2000.

Hon. HENRY HYDE,
Chairman, Judiciary Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: Thank you for attending our National Recognition Ceremonies, and serving as one of the keynote speakers, to mark the 25th anniversary of the end of the Vietnam War in Laos. We wish to express to you our deepest gratitude for your leadership role in the House of Representatives on behalf of the plight of the Hmong and Lao veterans who served bravely with U.S. clandestine and military forces in Laos during the Vietnam War. We would also like to respond to the inquiry by your office about our current position regarding the newly amended version of H.R. 371/S. 890, the Hmong Veterans Naturalization Act of 1999, that passed the Senate on Thursday, May 18.

First, the unanimous, bipartisan vote for passage, on May 2, in the House of Representatives, of H.R. 371, was made possible largely because of your extraordinary leadership in helping to forge a bipartisan coalition along with that of Congressman Bruce Vento, the bill's courageous and determined sponsor, and Congressman George Radanovich, the bill's key Republican activist. At the time of passage in the House, 109 bipartisan Members of Congress were officially signed on as cosponsors to H.R. 371. Many veterans organizations have also endorsed it, including the American Legion, U.S. Special Forces Assoc., National Vietnam Veterans Coalition, BRAVO, and Counterparts. We are grateful for your work with Subcommittee Chairman Lamar Smith as well as Minnesota Governor Jesse Ventura, who both deserve significant credit for the ultimate success of the legislation in the House, by weighing-in at the critical time and helping to move the bill forward.

Second, with regard to the issue of the lack of records maintained by the U.S. government on the Hmong and Lao veterans, the Lao Veterans of America was very honored to be cited by name in the legislation as an example of an organization that could provide helpful input regarding the military records of those Hmong and Lao veterans who served in the U.S. Secret Army in Laos during the Vietnam War. As the nation's largest Hmong and Lao non-profit veterans organization, as well as the first such organization to be established and incorporated in the United States (some ten years ago), we maintain the nation's largest repository of such records. The original records were destroyed in Laos at the end of the Vietnam War. We are, therefore, pleased to have been mentioned in the original legislation as an example of an organization that might be helpful with such records for the implementation of the bill's mandate. It is indeed, honorable to have been cited in this way by so many in the House and Senate who helped draft and officially sign on as cosponsors to H.R. 371/S. 890. Thank you for your thoughtfulness and kind consideration in this regard. It is, indeed, fundamentally important for Hmong and Lao veterans organizations, including organizations such as the Lao Veterans of America, to have input with regard to the military service records of the Hmong and Lao veterans, since the U.S. CIA, Defense Department, and Department of Justice have, apparently, only a very limited number of records regarding those who actually served and fought in the U.S. Secret Army in Laos.

Third, with regard to Congressman Vento's heroism, it is our hope that this legislation will help to serve as an enduring tribute to him when he leaves office at the end of the 106th Congress. Great men are those, who in time of crisis, rise above their personal circumstances to lead for the common good and help people overcome the common enemies of mankind, such as injustice, ignorance and despair. It is important, from our perspective, to stress that the Congressman Bruce Vento's personal challenge with cancer could easily, and understandably, have caused him to shrink from assisting us further with the passage of the Hmong veterans legislation. Instead, he redoubled his efforts, at that of his staff, even from his hospital bed. We are humbled and privileged to have had the honor to fight this battle on behalf of citizenship for the Hmong and Lao veterans together with Congressman Bruce Vento and you. For us, the struggle for this legislation began some 10 years ago, when we first began to work with Congressman Vento to develop this legislation. Indeed, it has been a noble endeavor, at its essence an issue of justice and honor for America and the Hmong veterans. We feel honored to have worked with so many great men, and giants, in Congress to press this long-overdue legislation forward to passage in the House and Senate. Providentially, it comes some 25 years, to the month, after the exodus of the Hmong and Lao veterans of the U.S. Secret Army from Laos in those bloody final weeks of 1975. Like Congressman Vento, we share in the conviction that this is one of our crowning achievements that will for generations bless communities across America. It will honor the name of those Hmong and Lao veterans of the U.S. Secret Army and their American allies, and friends, who fought so valiantly in this difficult struggle, both in the jungles of Southeast Asia as well as in the halls of Congress in Washington, D.C.

Fourth, with regard to your office's concern about the amended version of S.890/H.R. 371 that passed the Senate last week, we consider this legislation's passage historic and a great victory for the Lao and Hmong veterans of the U.S. Secret Army and their refugee families across the United States. The Lao Veterans of America was pleased to work to assist in playing a leadership role in the passage of this important legislation. We laud its Senate sponsors, Senators Paul

Wellstone, Feingold and Robb, for their unflagging leadership and support. Like its House counterpart (H.R. 371), S. 890 achieved overwhelming bipartisan support with over 17 Senators officially signing on the legislation. The only exception was the alternative legislation introduced by Senator Rod Grams. The Lao Veterans of America was able to work with a bipartisan coalition of U.S. Senators and Hmong and Lao veterans from across the United States to help develop a compromise amendment regarding Senator Grams' legislation. The final language of this amendment was forged just last week.

The Lao Veterans of America was particularly grateful to have been consulted, and included, in helping to negotiate and work out the final compromise regarding the amendment offered to the legislation prior to the bill's final passage in the Senate last week. Chairman Hatch as well as Senators Leahy, Wellstone, Feingold, McCain, Kohl, Grassley, Kyl, and Specter were particularly helpful in building bridges and reaching across the aisle during the vigorous negotiations that led to hammering out the final language that was acceptable to all parties, including Senator Grams' office.

Fifth, Mr. Chairman, with regard to the serious issue of timing, all along the major concern of the Lao Veterans of America regarding this legislation, was the concern that we know that you share: the Hmong Veterans Naturalization Act is long overdue. Time is not an unlimited commodity for anyone. When one confronts one's own mortality, and considers the personal plight of the two original sponsors of this legislation, both Congressman Vento in his battle with cancer, as well as Senator Paul Wellstone and his legislative director's, Michael Epstein's, battle with cancer, the limitations of time become crystal clear.

One of our key points to members of the Senate was the grave concern shared by many across the political spectrum that the Congress was running out of the necessary legislative time in the 106th Congress to pass the bill, especially if significant changes were made to the original language of the Vento/Radanovich legislation (H.R. 371) that passed the House. We believe that you and the Hmong veterans successfully helped to communicate this point when nearly 5,000 of our members converged on Washington, DC, on May 10th for the Lao Veterans of American National Recognition Ceremonies marking the 25th anniversary of the end of the Vietnam War in Laos.

Mr. Chairman, it is important to note that the Hmong and Lao veterans of the U.S. Secret Army waited twenty-two years, for national recognition in 1997 at the Vietnam Memorial and Arlington Cemetery. This was far too long and painful. Likewise, they have worked nearly a decade for this legislation, working hard and waiting far too many years for H.R. 371/S. 890 to be passed by Congress. Indeed, since I first began working on this legislation nearly ten years ago, I have attended too many funerals for the Hmong and Lao veterans, who have passed away without the dignity of being citizens in the country that they gave the best years of their lives fighting to assist.

Final, Mr. Chairman, but by no means least, the passage of S. 890/H.R. 371, as amended by the Senate, is first and foremost a matter of sacred honor that is long-overdue. The Hmong and Lao veterans of the U.S. Secret Army are not honored by continuing to live in limbo without a country, as mere aliens with green cards. Having been flown into battle for the United States by the CIA's and the Defense Department's, ''Air America,'' they wish to live and die as American citizens. We thank you for your leadership role and ask you to expeditiously seek to bring the amended version of the bill to the House floor under unanimous consent for immediate passage.

Sincerely,

PHILIP SMITH,
Washington, D.C., Director.

Mr. KIND. Mr. Speaker, I am a proud original cosponsor of H.R. 371, the Hmong Veteran's Naturalization Act, and I am pleased to see that this bill will be sent to the President's desk for his signature. This bill will allow the Hmong veterans who fought with the United States against the communist forces in Southeast Asia and their families to be naturalized. The measure will speed up the process by waiving the usual English proficiency and civics test requirements.

Passage of this legislation ensures that we as a nation will never forget the toll the Vietnam War took on our allies and friends in Southeast Asia. Tremendous sacrifices were made by the Hmong people, with nearly 20,000 Hmong killed and over 100,000 fleeing to refugee camps in other nations to survive. Thankfully, due to the generosity, strength of will and compassion of the American people, approximately 49,000 Hmong-Americans reside in Wisconsin today, of which, approximately 9,000 live in my district in western Wisconsin.

Therefore, it is with immense gratitude, I commend the Hmong for their loyalty and faithfulness to the United States and thank them for the sacrifices they made to fight for democracy and justice. For this, we owe them a large debt of gratitude that can never be adequately repaid.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. They had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 371 is necessary is the Hmong ''story cloth,'' the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

I approve of the Senate language which simply states that the Attorney General ''may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.'' I am also gratified that it was made clear in the other body that the dropping of the Lao Veterans of America does not reflect adversely on that organization.

I join Chairman SMITH in commending Lao Veterans of America for its tireless efforts for the Hmong. I too also commend our colleague, the gentleman from Minnesota, Mr. VENTO, for his sponsorship of this legislation and urge my colleagues to pass it.

The Hmong were critical to the American war strategy in S.E. Asia—especially the U.S. air strategy. Mr. Speaker this legislation provides for the expedited naturalization of Hmong veterans of the U.S. Secret Army currently residing in the United States (as legal aliens) who served with U.S. clandestine and special forces during the Vietnam War by allowing them to take the citizenship test with a translator since the Hmong are a tribal people with no written language, thus relying solely on the ''story cloths''. The bill is capped at 45,000, in terms of the total of number of Hmong veterans, their widows and orphans who currently reside in the United States who would fall under the legislation. This cap is supported by the Hmong veterans in the United States and is considered to be a generous cap. I support this legislation to provide relief to the Hmong heroes.

Mr. CONYERS. Mr. Speaker, The Hmong Veterans' Naturalization Act of 1999, was introduced by Representative VENTO. It provides long overdue assistance for the naturalization requirements of U.S. citizenship to a valiant group of people who fought for our country many years ago. Between 130,000 and 150,000 Laotian Hmong have entered the United States as refugees since 1975. Many have found it difficult to naturalize because of cultural obstacles to learning how to read English. This is due in part to the fact that the culture of the Hmong did not include a written form of their language until recent decades.

H.R. 371 would exempt the Hmong naturalization applicants from the English language requirements if they have served with special guerrilla units or irregular forces operating from bases in Laos in support of the United States during the Vietnam War (or were spouses or widows of such persons on the day on which such persons applied for admission as refugees).

This legislation passed the House by voice vote on May 2 and I have no problem with the Senate amendments concerning the certification requirement which were technical in nature.

Mr. VENTO. Mr. Speaker, I rise in support of the Senate amended H.R. 371, The Hmong Veterans Naturalizaton Act.

I would like to thank the distinguished gentleman from Texas, Representative, LAMAR SMITH for his leadership throughout this process and his support on the House floor today. In addition, I would like to acknowledge the efforts of Senator PATRICK LEAHY, Senator RUSS FEINGOLD, Senator PAUL WELLSTON, and Senator HERB KOHL. Their support and determination in working out the final language of the bill helped secure passage of H.R. 371 last week in the Senate. Moreover, I would like to mention the support of the Lao Veterans of America, the largest Lao-Hmong organization in the nation, which has been actively working on this legislation for over 10 years.

Today, we finally honor the Lao-Hmong patriots for their sacrifice and service to the United States during the Vietnam War. It has been twenty-five years since the fall of Saigon and the last American troops pulled out of Southeast Asia. Events that have been relived these past months, harsh memories of Vietnam that are unpleasant to all Americans. While the Vietnam War is over for America, the plight of our friends and allies within this region and Laos must be remembered.

Lao-Hmong soldier, as young as ten years old, were recruited, fought and died along side 58,000 U.S. soldiers, sailors, and airmen in Vietnam. As a result of their bravery and loyalty to the U.S., the Lao-Hmong were tragically over run by the Communist forces and lost their homeland and status in Laos after the Vietnam War. Between 10,000 and 20,000 Lao-Hmong were killed in combat-related incidents and over 100,000 had to flee to refugee camps and other nations to survive.

In the Minnesota area today, approximately 60,000 Lao-Hmong know the Minnesota region as their new home. Many of the older Lao-Hmong patriots who made it to the U.S.

are separated from their family members and have had a difficult time adjusting to many aspects of life and culture in the U.S., including passing aspects of the required citizenship test. Learning to read in English has been the greatest obstacle for the Lao-Hmong because written characters in the Hmong language have only been introduced in recent years. In addition, their long participation and service to U.S. forces in the Southeast Asian military conflict significantly disrupted any chance Lao-Hmong patriots may have had to learn a written language.

The Hmong Veterans Naturalization Act would help the process of family reunification and finally ease the adjustment of the Lao-Hmong into our U.S. society. Specifically H.R. 371 would waive the English language requirement for Lao-Hmong who served in special Guerrilla Units in Laos during the Vietnam War. This legislation would effect individuals who today reside legally in the United States. It would not open new immigration channels nor would the bill give the Lao-Hmong veteran's status to make them eligible for veteran benefits. Moreover, the bill establishes strict criteria for approval and sets a cap of 45,000 to who may benefit from this legislation.

This is an historic opportunity to recognize and in some small way honor the loyalty and address a key problem of the older Lao-Hmong family members who are continuing to have a difficult time adjusting to life here in the USA. Fortunately, there is something positive we can do to help the process of family reunification and finally ease the adjustment of Hmong into U.S. society. It is time to move forward with action and grant citizenship to the Lao-Hmong patriots—who have after all passed a more important test than a language test. They risked their lives for American values and to save U.S. service personnel.

The Lao-Hmong people stood honorably by the United States at a critical time in our Nation's history. Today, we should stand with the Lao-Hmong in their struggle to become U.S. citizens and to live a good life in the United States. The Lao-Hmong already passed the hardest test of their lives in service to the United States. Now, their dedication and service deserves proper recognition.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 371.

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

There was no objection.

PRIVATE MORTGAGE INSURANCE TECHNICAL CORRECTIONS AND CLARIFICATION ACT

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3637) to amend the Homeowners Protection Act of 1998 to make certain technical corrections.

The Clerk read as follows:

H.R. 3637

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 ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

SEC. 2. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(B) in paragraph (16)(B), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

''(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

''(B) the unpaid balance of the loan after each such scheduled payment is made.''; and

(2) in section 3(f)(1)(B)(ii), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect''.

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: ''A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.''.

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.''.

(2) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)'';

(ii) in subparagraph (A)(ii)(IV), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(iii) in subparagraph (B)(iii), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(B) in paragraph (2), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)''.

SEC. 3. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) TERMINATION OF PRIVATE MORTGAGE INSURANCE.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting ''on residential mortgage transactions'' after ''imposed''; and

(2) in subsection (g) (as so redesignated by section 2(c)(1)(A) of this Act)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''mortgage or'';

(B) in paragraph (2), by striking ''mortgage or''; and

(C) in paragraph (3), by striking ''mortgage or'' and inserting ''residential mortgage or residential''.

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''mortgage or'' the first place it appears; and

(ii) by striking ''mortgage or'' the second place it appears and inserting ''residential''; and

(B) in paragraph (2), by striking ''mortgage or'' and inserting ''residential'';

(2) in subsection (c), by striking ''paragraphs (1)(B) and (3) of subsection (a)'' and inserting ''subsection (a)(3)''; and

(3) in subsection (d), by inserting before the period at the end the following: '', which disclosures shall relate to the mortgagor's rights under this Act''.

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''a residential mortgage or''; and

(B) in paragraph (2), by inserting ''transaction'' after ''residential mortgage''; and

(2) in subsection (d), by inserting ''transaction'' after ''residential mortgage''.

SEC. 4. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''cancellation date'' the following: ''or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

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

''(3) is current on the payments required by the terms of the residential mortgage transaction; and''; and

(2) in subsection (e)(1)(B) (as so redesignated by section 2(c)(1)(A) of this Act), by striking ''subsection ''(a)(3)'' and inserting ''subsection (a)(4)''.

SEC. 5. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) GOOD PAYMENT HISTORY.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(ii) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the semicolon; and

(B) in subparagraph (B)—

(i) by inserting ''the later of (i)'' before ''the date''; and

(ii) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the period at the end.

(b) AUTOMATIC TERMINATION.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

''(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.''

(c) PREMIUM PAYMENTS.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

''(h) ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.''.

SEC. 6. DEFINITIONS.

(a) REFINANCED.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after ''refinanced'' the following: ''(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))''.

(b) MIDPOINT OF THE AMORTIZATION PERIOD.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by section 2(a)(1)(D) of this Act) the following new paragraph:

''(7) MIDPOINT OF THE AMORTIZATION PERIOD.—The term ''midpoint of the amortization period'' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.''.

(c) ORIGINAL VALUE.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by section 2(a)(1)(C) of this Act) is amended—

(1) by inserting ''transaction'' after ''a residential mortgage''; and

(2) by adding at the end the following new sentence: ''In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.''.

(d) PRINCIPAL RESIDENCE.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by section 2(a)(1)(C) of this Act) by striking ''primary'' and inserting ''principal''; and

(2) in paragraph (15) (as so redesignated by section 2(a)(1)(C) of this Act) by striking ''primary'' and inserting ''principal'';

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

GENERAL LEAVE

Mrs. ROUKEMA. 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. 3637.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3637, the Private Mortgage Insurance Technical Corrections and Clarification Act.

This Act is a very important bill because it will eliminate the confusion that has resulted from implementation of the Homeowners Protection Act of 1998.

In this bill, we will clarify the cancellation and termination issues to ensure that homeowners will be able to cancel private mortgage insurance as Congress intended in the original bill of 1998.

I want to thank the gentleman from Ohio (Mr. LEACH), chairman of the Committee on Banking, who is a cosponsor of this bill, and certainly the ranking member, the gentleman from New York (Mr. LAFALCE), for their contributions and their support as cosponsors.

I also wish to thank the gentleman from Minnesota (Mr. VENTO), the ranking member of the Subcommittee on Financial Institutions, who is a cosponsor of this bill and with whom I have worked closely on this and many other issues.

Mr. Speaker, I also want to especially thank the gentleman from Utah (Mr. HANSEN) for his support as an original cosponsor of this bill and for his strong leadership in this area.

The bipartisan support of this bill, along with the support of both industry as well as consumer groups, reflects the importance and the need for the corrections and clarifications of H.R. 3637.

Mr. Speaker, the Homeowners Protection Act of 1998 included important provisions regarding consumers' ability to cancel PMI. Most of the reforms incorporated in that law have worked very well. However, the law has created some uncertainty relating to the cancellation and termination of PMI for adjustable mortgage rates, or ARMs as they are known, balloon mortgages, and loans whose terms or rates are modified over the life of the loan.

To address these ambiguities and the problems that have arisen, I, along with the distinguished group of cosponsors that I have just mentioned, introduced this bill on February 10 of this year. It ensures that the terms of the cancellation of PMI on these types of variable rate mortgage products will be unambiguous.

The bill describes in greater detail the original intent of the 1998 law that the amortization schedule upon which the cancellation and termination dates are determined should be prepared in accordance with the actual note.

☐ 1345

The effect is to conform the requirements of cancellation and termination to the uniform methodology used in the industry to calculate ARM amortization schedules.

The bill also ensures that ''defined terms'' such as ''adjustable rate mortgage'' and ''balloon mortgages'' are used consistently and appropriately. The bill also defines several terms, such as ''refinanced,'' ''midpoint of the amortization period,'' and ''original value.'' These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower's payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMI premiums that were owed by the borrower prior to the time that the mortgage insurance was canceled.

In summary, H.R. 3637 specifically addresses the problems that have occurred since implementation of the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.

I would also like to note that the provisions of the bill were included in title IX of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000. We passed that bill in April of this year with a resounding vote, 417–8; but at this point in time, there seems to be no Senate action contemplated. I do want to recognize the leadership that the gentleman from New York (Mr. LAZIO) gave as chairman of the Subcommittee on Housing at that time and for his continuing support for PMI issues in particular.

Mr. Speaker, we all remain strong in our support of not only H.R. 1776 and want to see that enacted, but in the meantime we must deal with the issues in this suspension.

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

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

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

Mr. LAFALCE. Mr. Speaker, I rise as a primary cosponsor in support of H.R. 3637, the Private Mortgage Insurance Technical Corrections and Clarification Act. I specifically commend the gentlewoman from New Jersey for her excellent leadership and work on this technical corrections bill.

Two years ago, we enacted, on a bipartisan basis, the Homeowners Protection Act of 1998. That legislation set out reasonable provisions giving homeowners who utilize private mortgage insurance, frequently called PMI, the right to cancel their PMI insurance

and stop paying monthly PMI premiums once they have paid their mortgage loan down to levels where private mortgage insurance is no longer needed. The concept is relatively simple. PMI is only required on loans where the loan-to-value, or LTV, exceeds 80 percent. Therefore, once a borrower pays down a mortgage loan to the point where the LTV is less than 80 percent, there is no need for the borrower to continue to pay for PMI. The bill from last Congress sets out terms and conditions under which borrowers have the legal right to cancel PMI. As a result, the borrower now has the right to cancel PMI and stop making payments once the loan balance has fallen below certain LTV ratios, generally either 80 percent or 78 percent. This will save consumers in this position hundreds or even thousands of dollars.

However, as is often the case with efforts to conference different House and Senate versions of the same bill very late in a session, the final bill could have been drafted better from a technical point of view. The PMI bill that was signed into law did include some ambiguities, some inconsistencies, some omissions. The bill we are considering today cleans up these technical problems. At the same time, I want to make it very clear that is all we are doing. We are not changing policy or adding new provisions but only conforming language to preserve or, in most instances really, clarify the bill's original intent. I believe it is important to pass this legislation this year for the benefit of consumers, for the millions of Americans who will take out loans in the next few years. Without such action, there are ambiguities which could be invoked unfairly to the detriment of borrowers.

For example, section 3 of the PMI act gives consumers the right to cancel PMI insurance and stop making payments once their loan falls below 80 percent of value. However, as drafted, the act technically permits cancellation only on the date that 80 percent threshold is first reached but not later. Thus, unless the borrower submits a request for cancellation on or before that date and meets certain other requirements on that date, the borrower could technically lose that cancellation right forever. We cure that potential difficulty, because that clearly was not the intent of the bill. Therefore, the bill before us today explicitly confers cancellation rights on the date when the loan first reaches 80 percent LTV or any later date that the borrower meets the conditions required for cancellation.

The bill also includes language to allow borrowers without a good payment history on the cancellation date itself to cancel at a later date once they obtain a good payment history. This is what we intended, but technically the act was not clear on that. Our bill today also clarifies other ambiguities that could subvert the intent of the original act to the detriment of consumers. For example, the act requires PMI termination once a mortgage reaches a ''midpoint,'' an undefined term. The act's clear intent is the halfway point between the first date of the loan and the last day of the period over which the loan is scheduled to be amortized. However, with adjustable rate or balloon loans, without this definition the midpoint could unfairly continue to be moved back simply by a resetting of the amortization schedules. And so this bill clarifies that for loans for the purpose of refinancing when establishing LTV ratios, the value will be determined at the time of the refinance, not at the original time of home purchase. This avoids unfairly penalizing the borrower when the home has risen in value.

Finally, the legislation before us today includes a number of provisions that address ambiguities and correct other problems. Most notably, our bill clarifies that in the case of adjustable rate mortgages, balloon mortgages, or loan modifications, LTV calculations are made based on the most recent amortization schedule, not based on an outdated schedule. This was the original intent of the legislation. And while the original act did not provide that clarity, today's bill provides that clarity.

Finally, the bill before us today corrects drafting relating to terms like ''refinanced,'' ''primary residence,'' ''residential mortgages,'' et cetera. The bill clarifies common sense interpretations of the act, for example, that cancellation or termination does not eliminate the borrower's obligation to make PMI payments legally incurred prior to the date at which the borrower is entitled to cancel PMI.

In short, this is a good, common sense bill, and I would urge its adoption.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. VENTO), ranking member of the Subcommittee on Financial Institutions and Consumer Credit, who really did the bulk of the work on this issue.

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

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

Mr. Speaker, I concur in the ranking member's remarks and the subcommittee chairman's remarks concerning this bill. In return, I want to just thank her for her leadership on this issue. It is a very important matter.

Frankly, private mortgages insurance is a major basis to provide for lower interest rates and affordable housing for many, many homeowners that otherwise would not be able to acquire the loan they need to purchase a home. And so keeping this particular product in place is enormously important. But also we need to be vigilant to make certain that the individual homeowner that has such a loan with private mortgage insurance is in fact being treated fairly in terms of this insurance and given the right to cancellation and to exercise the option to drop such insurance once the loan-to-value ratio of down payment and equity has been exceeded. That is exactly what the basic law did that was enacted. In fact, it was brought to our attention by, as has been pointed out, the gentleman from Utah (Mr. HANSEN), who has had an active interest in this as a consumer and as a Representative from Utah. What we have before us today, of course, is the technical corrections.

I know that the Members of Congress would be surprised to learn that we do not write perfect laws, that from time to time we have to go back and make some modifications to clarify intent and to eliminate ambiguity. That is really what has happened in this case with Congress, coming back to this law which we passed a couple of years ago to try and clear up some of the misunderstandings. This is really Congress at its best or this House at its best, trying to deal with those ambiguities or dealing with some of the issues. This has been done in such a way as to provide for a common sense policy path that will in fact ensure that the rights to exercise and cancel this insurance, and I might comment to my colleagues that these payments could be anywhere from $50 to $100 difference a month in terms of what the homeowner actually pays in terms of mortgage insurance. This is no small matter for those that might be canceling such insurance to have the benefit of making this savings. This permits them to repair their credit, it permits them at midpoint to avoid this type of insurance when it is not necessary, and we all know that translates into homeownership; it translates into more Americans being able to take advantage of the American dream of homeownership.

Really, I think that our committee has prided itself in terms of obtaining and being part of the goal that had been enunciated by this administration and for others for many years and, that is, obtaining one of the highest rates of homeownership in our history. Today, of course, we are in the high-60 range in terms of homeownership. Some States because of lower costs are doing much better, such as my State of Minnesota. Others are challenged because of the high cost of housing and homeownership in those States. But, nevertheless, this bill will help maintain and provide the stability, provide the predictability, and provide the cheaper mortgage insurance and these important tools which are making it possible to obtain the dream of homeownership in this country.

I commend this bill to my colleagues.

Mr. Speaker, I rise in support of H.R. 3637, the PMI Technical Corrections and Clarification Act. As one of the architects of the recent law that affords people the right to stop paying for costly private mortgage insurance when

they no longer need it, I am pleased that we are finally moving this technical corrections bill that will benefit consumers and the industry.

I joined my colleagues in cosponsoring this needed Private Mortgage Insurance Technical Corrections and Clarification Act so that we can clarify some meanings and make corrections to terms, rights for consumers and responsibilities for mortgage lenders under the Homeowners' Protection Act of 1998. We worked together then, as we did today, with interested consumer and mortgage industry groups to come up with a bill that worked to the benefit of all parties.

Unfortunately, when we passed the Homeowner's Protection Act, we were unable to prevail on one issue, and that was to actually have a regulator to work out some of the details of the statute and the underlying policy. That has left us with the need to clarify some smaller points in the statute, as is being proposed in this bill before the House of Representatives today. This point in highlighted by provisions such as those in Section 6, where we are coming back to define what the term ''refinanced'' means. That clearly is a definition that the Federal Reserve Board or the Department of Housing and Urban Development could have handled without further Congressional action. There are more meaningful and key clarifications contained in H.R. 3637.

For example, the bill, H.R. 3637, will clarify that PMI cancellation rights exist not only on the cancellation date, but on any later date as well, so long as the borrower meets all the other cancellation requirements (including being current on loan payments). This was clearly our intent and is a needed fix resolved in this measure. H.R. 3637 also will make clear that a good payment history should be calculated on the later of the cancellation date or the date the borrower requests cancellation. In this way, the borrower cannot be frozen in a category of not having a good payment history at the first cancellation date, and therefore never eligible for cancellation—even if he or she had repaired and improved their payment history.

The bill eases lenders' burdens by assuring a timely, yet sensible termination time of the first day of the following month after a borrower become current. This change eliminates the need for a lender to check and cancel PMI every day of the month following a consumer's potential eligibility. It also clarifies that cancellation/termination rights are based on most recent amortization schedule for Adjustable Rate Mortgages and other products where the amortization schedule may change over the course of a loan's life.

Two other important technical corrections include assuring that the goal post cannot continually be shifted by changing a currently undefined ''midpoint.'' H.R. 3637 will clarify that the midpoint is the halfway point between the first date of the loan and the last day of the period over which the loan is scheduled to be amortized. Finally, our bill also makes clear that the appraised value at the time of the refinancing, and not the value at original purchase, should be is used to determine the loan to value ratio and cancellation/termination rights.

Mr. Speaker, I want to express my thanks to my Democratic and Republican colleagues who have all worked together to bring this technical corrections bill before the House today and I urge other Members to support this necessary legislation.

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

We have worked closely with the gentleman from New York (Mr. LAFALCE) and the gentleman from Minnesota (Mr. VENTO) on a fine bipartisan basis. I deeply appreciate their contribution and their work. But I also want to acknowledge again with more specificity the leadership of the gentleman from Utah (Mr. HANSEN), who was the first to identify and act upon the issue. I think it is very important that he brought it to the forefront and to our attention and the need for the changes here.

Fundamentally, I do want to underscore, in conclusion, that not only do we have bipartisan support here; but we have real action about real money on a monthly basis for Americans to recognize and take part in the American dream, which has always been fundamental to our American democracy, namely, homeownership, a home of their own. I am pleased to have accepted the strong support on a bipartisan basis.

Mr. BENTSEN. Mr. Speaker, as a member of the House Banking Committee, I rise in strong support of H.R. 3637, legislation that will make technical corrections and clarifications to the Homeowners Protection Act. This law ensures that homeowners have the right to cancel their Private Mortgage Insurance (PMI) on their home mortgages once the homeowner attains a certain level of equity in the home (usually 22%, but in some cases 20%). Provisions included in this legislation were also included in H.R. 1776 which was approved by the House, with my support, on April 3.

This legislation clarifies that PMI cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule that is currently in affect. This will ensure that consumers get full benefit of any adjustments that have been made based upon recent calculations. In addition, this legislation ensures that balloon mortgages are also treated as ARMs so that consumers will receive the full benefit of any interest changes that are favorable to them.

This bill ensures that consumers with a ''good payment history'' have the right to cancel their PMI. In the past, there has been some confusion about what this term means. This legislation would make technical corrections so there is less ambiguity about this term. This measure includes a proviso that clarifies that these PMI cancellation rights only apply to mortgages originated after the 1998 law's enactment date. Finally, this bill ensures that consumers can cancel their PMI after the cancellation date as long as they have paid all of their PMI charges. The original law did not provide their consumer protection provision. As a result, consumers had only one opportunity to cancel their PMI.

I strongly urge my colleague to support this corrective legislation that will protect consumers and improve the Homeowners Protection Act.

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

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

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and pass the bill, H.R. 3637.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded for the time being on motions to suspend the rules. Pursuant to clause 8, rule XX, the Chair will now put the question on each of the first three motions on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 297, by the yeas and nays;

H. Res. 443, by the yeas and nays; and

H.R. 3544, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

LEWIS & CLARK RURAL WATER SYSTEM ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 297, 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 California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 13, not voting 21, as follows:

[Roll No. 217]

YEAS—400

Abercrombie	Berry	Calvert
Aderholt	Biggert	Camp
Allen	Bilbray	Canady
Andrews	Bilirakis	Cannon
Armey	Bishop	Capps
Baca	Blagojevich	Cardin
Bachus	Bliley	Carson
Baird	Blumenauer	Castle
Baker	Blunt	Chabot
Baldacci	Boehlert	Chambliss
Baldwin	Boehner	Clay
Ballenger	Bonilla	Clayton
Barcia	Bonior	Clement
Barr	Bono	Clyburn
Barrett (NE)	Borski	Coburn
Barrett (WI)	Boswell	Collins
Bartlett	Boucher	Combest
Barton	Boyd	Condit
Bass	Brady (PA)	Conyers
Bateman	Brown (FL)	Cook
Becerra	Bryant	Cooksey
Bentsen	Burr	Costello
Bereuter	Burton	Coyne
Berkley	Buyer	Cramer
Berman	Callahan	Crane

Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
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
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
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
Houghton
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
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
Mascara
Matsui
McCarthy (MO)
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
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
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
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)
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Campbell
Chenoweth-Hage
Coble
Gutknecht
Hostettler
Paul
Peterson (MN)
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shays

NOT VOTING—21

Ackerman
Archer
Brady (TX)
Brown (OH)
Capuano
Cox
Cubin
Forbes
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Napolitano
Nethercutt
Pease
Rodriguez
Stupak
Waxman
Weiner
Weller

☐ 1422

Messrs. CAMPBELL, GUTKNECHT, SALMON and SHAYS changed their vote from ''yea'' to ''nay.''

Mr. EHLERS and Mr. BARR of Georgia changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof), the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 217 I was, unavoidably detained in a constituent meeting. Had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF HOUSE REGARDING RAISING OF UNITED STATES FLAG IN AMERICAN SAMOA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 443, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the resolution, House Resolution 443, as amended, 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 417, nays 0, not voting 17, as follows:

[Roll No. 218]

YEAS—417

Abercrombie
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)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
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
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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
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
Mascara
Matsui
McCarthy (MO)
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
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell

Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
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)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Nethercutt
Pease
Pickett
Rodriguez
Stupak
Waxman
Weiner

☐ 1431

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POPE JOHN PAUL II CONGRESSIONAL GOLD MEDAL ACT

The SPEAKER pro tempore (Mr. KUYKENDALL). The pending business is the question of suspending the rules and passing the bill, H.R. 3544, 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 Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3544, as amended, 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 416, nays 1, not voting 17, as follows:

[Roll No. 219]

YEAS—416

Abercrombie
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)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
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
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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
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
Mascara
Matsui
McCarthy (MO)
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
Mollohan
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
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
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)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—17

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Green (TX)
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Pryce (OH)
Rodriguez
Stupak
Waxman
Weiner

☐ 1440

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.

The title of the bill was amended so as to read: To authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 297, LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 2000

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 297, the Clerk be authorized to make technical corrections and conforming changes to the bill, specifically on page 10, line 17, the contract number should read, ''14–06–200–949IR3.''

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule

XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or which the vote is objected to under clause 6 of rule XX.

Any record votes on all postponed questions will be taken after debate has concluded on the remaining two motions to suspend the rules.

PERSONAL EXPLANATION

Mr. WATKINS. Mr. Speaker, due to an airplane mechanical problem, I was delayed in my arrival back to Washington yesterday afternoon from my district and I was unable to record my votes on rollcall votes 211, 212 and 213. Had I been present on those votes I would have voted aye on those three votes.

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

There was no objection.

CARDIAC ARREST SURVIVAL ACT OF 2000

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices, as amended.

The Clerk read as follows:

H.R. 2498

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 ''Cardiac Arrest Survival Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 3. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

''RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

''SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

''(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

''(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

''(2) Proper maintenance and testing of the devices.

''(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

''(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

''(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

''(1) consult with appropriate public and private entities;

''(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in non-hospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

''(3) consult with and counsel other Federal agencies where such devices are to be used.

''(d) DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'automated external defibrillator device' has the meaning given such term in section 248.

''(2) The term 'Federal building' includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.''.

SEC. 4. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 3 of this Act, is amended by adding at the end the following section:

''LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

''SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDS.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

''(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

''(2) to properly maintain and test the device; or

''(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

''(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

''(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

''(b) INAPPLICABILITY OF IMMUNITY.—Immunity under subsection (a) does not apply to a person if—

''(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

''(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

''(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

''(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The following applies with respect to this section:

''(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

''(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

''(C) This section does not waive any protection from liability for Federal officers or employees under—

''(i) section 224; or

''(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

''(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

''(A) IN GENERAL.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

''(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

''(d) FEDERAL JURISDICTION.—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

''(e) DEFINITIONS.—

''(1) PERCEIVED MEDICAL EMERGENCY.—For purposes of this section, the term 'perceived medical emergency' means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

''(2) OTHER DEFINITIONS.—For purposes of this section:

''(A) The term 'automated external defibrillator device' means a defibrillator device that—

''(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

''(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

''(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

''(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

''(B)(i) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(ii) The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(iii) The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2498.

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

There was no objection.

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

□ 1445

Mr. Speaker, between 200,000 to 300,000 American lives are lost every year to sudden cardiac arrest in the United States. It is estimated that over 30 percent of these victims could be saved if they had access to immediate medical response, including defibrillation.

A large number of sudden cardiac arrests are due to an electrical malfunction of the heart called ventricular fibrillation, VF. Now, when VF occurs, the heart's electrical signals, which normally induce a coordinated heartbeat, suddenly become chaotic, and the heart's function as a pump abruptly stops. Unless this state is reversed, then death will occur within a few minutes. The only effective treatment for this condition is defibrillation, the electrical shock to the heart.

For the last several years, I have been working closely with the American Heart Association, the American Red Cross, and local emergency medical systems to develop bipartisan congressional legislation to encourage the widespread use of automated external defibrillator devices to help save our lives. We have been successful, and that is why we are here on the House floor today.

I want to thank the chairman of the Subcommittee on Health, the gentleman from Florida (Mr. BILIRAKIS), for his efforts, his coordination and his support and encouragement. I also want to thank the chairman of the subcommittee, the gentleman from Virginia (Mr. BLILEY), for his support in bringing this forward through the committee.

My colleagues, automated external defibrillators, or AEDs, are small, portable medical devices regulated by the Food and Drug Administration, that can measure a victim's heart rate, determine whether the victim is suffering from ventricular fibrillation and if an electric shock is necessary, and can even instruct the layperson whether and when to shock the victim and when to perform CPR.

I have a chart here called ''The Chain of Survival.'' Clearly, my colleagues can see from the chain of survival the four links are early access to emergency care, early cardiopulmonary resuscitation, early defibrillation, and early advanced life supports.

While defibrillation is the most effective mechanism to revive a heart that has stopped, it is also the least accessed tool we have available to treat victims suffering from heart failure.

My colleagues, these devices are very safe, effective, and they do not allow a shock to be administered until after the device has measured the victim's heart and determined whether a shock is required.

Earlier this month, the Subcommittee on Health and Environment held a very moving hearing on H.R. 2498, and many of my colleagues said it was the best hearing they have ever seen. We heard from Dr. Richard Hardman, who helped design and implement an AED program in Las Vegas. Dr. Hardman helped train over 6,500 security officers to achieve an average internal emergency medical response time of less than 3 minutes.

With over 200 sudden cardiac arrests occurring in covered locations in this region of Las Vegas, this AED program was able to save an astounding 57 percent of the victims.

Dr. Hardman showed the subcommittee a videotape of an actual cardiac arrest victim, who was treated with an AED device from lay bystanders in the casino and was successfully shocked back to life within minutes. This could happen to any one of us.

For example, we heard moving testimony from Robert Adams, a 42-year-old attorney, younger than many of us, an NCAA referee, an outstanding college athlete, captain of his basketball team, in the prime of health, who had recently passed several extensive physical exams with flying colors; and yet he, too, suffered a sudden cardiac arrest on the July 3rd weekend in Grand Central Station in New York City.

By the grace of God, fortunately, the station had just received delivery of an AED the day before. A couple of nearby construction workers saw Mr. Adams fall to the ground, they grabbed the AED which was still in its packaging, still in the box, and they hoped and prayed that batteries were part and parcel of that box. They hoped they were installed and charged and ready to go. Indeed, they were and they shocked Mr. Adams back to life.

Mr. Adams has three children, the youngest of whom was only 1 year old

at the time. Those children would not have their father today had Grand Central Station not procured this AED and been willing to publicly install an AED device and, of course, that the unrelated bystanders been willing to use it to save his life.

Let me move to this other chart, ''Every Minute Counts.'' This is a very important chart. We can see that for every minute that goes by, we can see the effects that it will have on a person who suffers from ventricular fibrillation; and surely, surely, if we can save this many lives with just having this very small inconspicuous device, this bill will promote and save lives.

Do my colleagues know that for every minute of delay in returning the heart to its normal pattern of beating, it decreases the chances of that person's survival by 10 percent?

Unfortunately, according to the testimony of Dr. Hardman and AED legal expert Richard Lazar, AEDs are not being widely employed because of the perception, the simple perception among us that would-be purchasers and users of AED would get sued.

This is a lot like the debate with the fire extinguishers 100 years ago; but our bill, H.R. 2498 removes a barrier to adopting AED programs. If a Good Samaritan, like someone in the Bible, or a building owner or a renter of the building acts in good faith and he or she uses the AED to save someone's life, this bill will protect them from unfair lawsuits.

We may not want to force people to provide medical care to someone having a heart attack; but, my colleagues, if they are willing to do so, we should not put them at risk of being sued for unlimited damages if something goes wrong.

This legislation directs the Secretary of Health and Human Services to develop guidelines for the placement of defibrillators in Federal buildings. It is inexcusable that we do not have these live-saving devices widely available in Federal buildings across the United States.

We need, Mr. Speaker, to be a role model for the private sector by demonstrating our commitment to protecting the lives of Federal employees, military personnel, and private citizens who are visiting our museums, our public buildings throughout the United States, including Social Security offices and, of course, parks and recreation areas.

H.R. 2498 does not impose any new regulation or obligations on the private sector. It does not preempt State law where the State has provided immunity for the person being sued.

Almost 150 bipartisan Members have now cosponsored this bill. This legislation passed in both the subcommittee and full committee by unanimous voice vote. We have received letters of support by the National Safe Kid Campaign, the National Fire Protection Association, the American Academy of Pediatrics, the American Association for Respiratory Care, the International Association of Fire Chiefs, and many, many more.

Even President Clinton talked about it last week in his radio address and promoted the use of defibrillators and talked about this bill. I commend the President for recognizing and bringing it to the public's attention through his presidency.

This helps saves the lives of almost 250,000 Americans who annually are affected with sudden cardiac arrest. So I hope my colleagues will support and pass the Cardiac Arrest Survival Act of 2000.

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

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

I rise today in strong support of a lifesaving piece of legislation, the Cardiac Arrest Survival Act. I would like to commend the gentleman from Florida (Mr. STEARNS) for introducing this legislation, for working hard to ensure that it would receive a full hearing in the committee level.

I want also to commend the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), the gentleman from Virginia (Chairman BLILEY), the gentleman from Florida (Mr. BILIRAKIS), my colleagues on the Committee on Commerce, for moving it through our committee structure.

The Cardiac Arrest Survival Act does two key things. First, it instructs the Secretary of Health and Human Services to make recommendations to promote public access to defibrillation programs in Federal buildings and other public buildings across the country. These recommendations would ensure the health and safety of all Americans by encouraging ready access to the tools needed to improve cardiac arrest survival rates.

Second, this act extends Good Samaritan protections to Automatic External Defibrillator users and the acquirers of the devices in those States who do not currently have AED Good Samaritan protections. This protection will help encourage lay persons to respond in a cardiac emergency by using the external defibrillation device.

These devices, AEDs, are small, easy to use and laptop size. They can analyze the heart rhythms of a person in cardiac arrest to determine if a shock is necessary; and when it is necessary, they will automatically deliver a lifesaving shock to the heart.

Every minute that passes before a cardiac arrest victim's heart is defibrillated or shocked back into rhythm, every minute that passes, his or her chance of survival decreases by as much as 10 percent. As a result, less than 5 percent of out-of-hospital cardiac arrest victims will even survive.

Recently, I was very fortunate to hear the testimony of Mr. Robert Adams, describing how his life was saved in Grand Central Station in New York City by a publicly available AED. This moving story is a sure indication of the lifesaving capabilities that this bill will unleash.

Currently, I serve as the cochair of the Heart and Stroke Coalition in the House, so I have a special interest in the area of heart disease. Working closely with the American Heart Association, the American Red Cross, this coalition is a bipartisan and bicameral group which is concerned with heightening awareness of heart attack, stroke, and other cardiovascular diseases.

Additionally, the coalition works to promote research opportunities in the area of heart disease and stroke and acts as a greater resource on key issues, such as public access to automatic external defibrillators.

The American Heart Association estimates that, with increased access to AEDs, up to 50,000 lives could be saved each year. That is reason enough for us to pass this legislation.

So I urge my colleagues to support H.R. 2498, the Cardiac Arrest Survival Act.

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

Mr. STEARNS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time to me, and I rise today to urge support for H.R. 2498, the Cardiac Arrest Survival Act.

I certainly want to commend him for his leadership and sponsorship of this resolution which is so important to all of us in this country. I also want to commend the gentlewoman from California (Mrs. CAPPS) for her constant attention to health issues, and this is indeed a situation of public health.

This legislation that the gentleman from Florida (Mr. STEARNS) has introduced places automatic external defibrillators, AEDs as they call them in the acronym, in Federal agencies. It would help with public access. What it does is it establishes the Federal Government as a role model. Guidelines will be established, in the hopes that the private sector will also follow and State governments will follow.

Public access to AEDs, in the words of Dr. Tom Aufderheide, an associate professor of emergency medicine at the Medical College of Wisconsin, Milwaukee, represents potentially the single greatest advance in the treatment of cardiac arrest since the development of CPR.

□ 1500

Approximately 350,000 Americans die annually from sudden cardiac death. If we can make the use of AEDs more widespread, that tremendously high loss of life will indeed diminish.

More and more people are taking courses to familiarize themselves with both CPR and the use of an AED. In addition, the machine is not difficult to use. It automatically analyzes heart rhythm and decides whether to shock.

It also gives verbal prompts at each step, and it even has pictures on the pads to show where to attach them to the chest.

I want to share with my colleagues one story that appeared in the American Medical News that conveys the importance of this legislation. On August 20 of last year, a Ms. Sherry Caffrey was on the phone at Chicago's Midway Airport when a man nearby fell to the ground. Fortunately, an AED was mounted on the wall near her and she administered a single electrical shock to his heart which saved his life. And this is not an isolated episode. Since this incident last year, there has been at least one save almost weekly at Chicago's Midway Airport using one of the 42 defibrillators which are placed throughout the airport.

By increasing training and the availability of these life-saving devices, we can dramatically reduce the number of individuals who die each year from cardiac arrest. This legislation makes that goal more attainable. I strongly urge my colleagues to support H.R. 2498, Mr. Speaker.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the gentlewoman from California for yielding me this time, and I express my appreciation for those responsible for bringing into fruition and to the House today the Cardiac Survival Act of 1999.

I would like to indicate in my remarks that heart disease, of course, is the leading cause of death among women in this country, and anything we can do as a body politic to allay future problems with health and heart attacks among women that take them out, we need to do that.

Each year more than 250,000 adults suffer cardiac arrest, and more than 95 percent of them die. The Cardiac Survival Act of 1999 increases access to defibrillators in public buildings, and certainly it will save lives. Every minute that passes before returning the heart to a normal rhythm after a cardiac arrest causes the chance of survival to fall by 10 percent. That is for every minute.

It is clear that in cases of cardiac arrest, time is of essence. For instance, in my hometown of Indianapolis, Indiana, I remember hearing about a very frightening incident of a middle-aged man who was in full cardiac arrest while jogging at the National Institute For Fitness and Sports, where I am also a member. Thanks to the quick and heroic efforts of the staff at NIFS, who had access to a defibrillator, were trained in its operation, the man's life was saved.

Mr. Speaker, we have seen to it that we have these devices here for our safety and for the safety of those who visit here. It is fitting that we act to extend this benefit to more Americans in every place that we possibly can. I am pleased to support this legislation, Mr. Speaker, because it increases access to vital lifesaving technologies.

Mrs. CAPPS. Mr. Speaker, I yield myself the balance of my time, and I want to remind and encourage all of our colleagues to support this life-saving piece of legislation, the Cardiac Arrest Survival Act. By setting the example through authorizing the use of automatic defibrillators in public buildings, in Federal buildings, we will do our part in saving additional lives. We will also be setting a great example for this country in the way we want to move forward.

Again, I commend my colleague for bringing forward the bill and urge its passage.

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

Mr. STEARNS. Mr. Speaker, I yield myself the balance of my time, and I want to thank the gentlewoman from California (Mrs. CAPPS) for her support and the support of my colleagues in the Committee on Commerce.

I would just conclude by telling a quick story of a good and close friend of mine. He and his wife are a member of our church, and they have four children. He was in his early 60s and he went to the golf course. As my colleagues know, in Florida there are lots of golf courses; and people are there all the time. It was in the morning, and he was playing golf when suddenly he had a cardiac arrest. Unfortunately, there was not an automated external defibrillator there. He died. And I felt it was very sad for he and his family, and that made the commitment on my part and the people who supported this bill even stronger to get this through the House.

Of course, after it is approved by the Senate it will then go to the President to be signed. So I think it is a great day for all the organizations that have supported us, been with us for these many, many years as we have garnered support and attempted to convince our colleagues that, one, the good Samaritan clause was innocuous, that there was nothing to worry about; that much like fire extinguishers the day has come for automated external defibrillators. We need to have these not only in the public Federal buildings but all the local buildings. And, of course, hopefully, some day they will be just as apparent and obvious as fire extinguishers, and they will save at least 50,000 lives every year.

And remember, 50,000 lives is an enormous amount of savings of health care costs. So just this small little device that automatically tells someone what to do, is very safe, and for which the cost is coming down, could save any one of our lives in this House today. So I urge my colleagues' support.

Mr. BENTSEN. Mr. Speaker, as a cosponsor of this bill, I rise in strong support of the Cardiac Arrest Survival Act, HR 2498. This legislation ensures that Automatic External Defibrillators will be placed in federal buildings to assist heart-attack victims within 90 days of enactment. This legislation also includes a critically important provision to ensure that any person who uses these devices is provided limited immunity from civil liability.

Automatic External Defibrillators (AEDs) have been found to save lives and reduce health care costs. According to the American Heart Association, in cities where Emergency Medical Systems (EMS) response is rapid, the survival rate increased from 9 percent to 30 when AEDs were available to first responders. Yet only 30 percent of EMS have AEDs to treat heart attack victims. This legislation would ensure that AEDs are more widely available.

Recently, many airlines have started to keep AEDs for their crews to assist passengers and they have been proven to save lives. This legislation would build upon this trend by providing AEDs in all federal buildings where many Americans work and visit. AEDs are easy to use and do not require advanced training to operate. In fact, they automatically calculate whether it would be appropriate to treat an individual or not and then determine what is the appropriate level of treatment to use. They are also much less cumbersome than in the past. The latest models of AEDs weigh less than 10 pounds, an amount that most individuals can carry and maneuver without much effort.

This measure also provides immunity from civil liability for those who provide emergency medical assistance to heart attack victims through the use of an AED. These ''Good Samaritans'' would not be liable to any ''personal injury or wrongful death'' that might result from providing care for a heart attack victim. With this protection, I believe more Americans will be willing to help each other in their time of need. This bill also exempts any person who maintains, tests, or provides training in the use of these devices. In order to protect heart attack victims, the immunity granted in this bill does not apply to any person who engages in gross negligence, willful, or wanton misconduct.

This legislation is an important part of our effort to educate more Americans about the need to treat and help heart attack victims. In 1997, heart attacks are the single leading cause of death in America. Today, one in five deaths are related to heart attacks and more than 450,000 Americans died of heart attack in 1997. Clearly we must do more to prevent and treat these heart attack victims so that there will be better outcomes. this legislation is a good first step in meeting this challenge.

I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2498, the Cardiac Arrest Survival Act of 2000, which was reported by voice vote by the Committee on Commerce. I want to take this opportunity to commend the Chairman of the Subcommittee, Mr. BILIRAKIS, the Chairman of the full Committee, Mr. BLILEY, and the author of the bill, Mr. STEARNS, for their work

in bringing this legislation to the floor. This legislation has 130 cosponsors, including 13 Democratic members of the Committee on Commerce. It is also supported by the American Red Cross, the American Heart Association, and the Administration.

Mr. Speaker, testimony before the Committee showed that returning the heart to its normal rhythm quickly is the single most important thing needed to improve the chance of survival from cardiac arrest. In Las Vegas, where automated electronic defibrillators have been placed in casinos and casino employees have been trained in their use, the out-of-hospital survival rate from cardiac arrest has increased dramatically. Prior to the widespread deployment of these devices, the cardiac arrest survival rate in Las Vegas was only 10 percent; it is now 57 percent.

Defibrillation clearly saves lives. The purpose of H.R. 2498, therefore, is to encourage Federal agencies to install automated external defibrillators in their buildings and to give so-called ''Good Samaritan'' protections from liability for people who use or acquire these devices. The bill's liability protections do not apply if the harm was caused by a person's conscious, flagrant indifference to the rights or safety of the victim. Nor does it apply if it is being used by a doctor or nurse or other licensed professional in their scope of employment, or if it is being used by a hospital or other health care entity. Certain other limited exceptions apply.

As reported by the Committee on Commerce, H.R. 2498 is consistent with legislation which passed the Senate by unanimous consent last year. I might add that the Department of Justice, in a letter to Chairman BLILEY dated May 8, 2000, stated that it, too, supports this legislation with the changes adopted by the Committee on Commerce in the reported bill before us today.

Mr. Speaker, I urge my colleagues to vote for this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 2498, the Cardiac Arrest Survival Act. This critical piece of legislation would improve survival rates for victims of cardiac arrest by expanding access to cardiac defibrillators in federal buildings.

Everyday 1,000 Americans suffer from sudden cardiac arrest, usually outside of a hospital setting. Unfortunately, more than 95 percent of these victims die because life-saving equipment is not readily available or arrives too late. When a defibrillator is used to deliver a shock to a heart with an abnormal rhythm, survival rates for cardiac arrest sufferers increases to as much as 20–30 percent. Every minute of delay in access to defibrillators leads to a ten percent decrease in life expectancy. Therefore, it is vital that Automated External Defibrillators (AEDs) be made available for use in public areas and the public should be educated on how to operate this user-friendly life saving equipment.

H.R. 2498 directs the Secretary of Health and Human Services to develop recommendations for public access to defibrillation programs in Federal buildings in order to improve survival rates of people who suffer cardiac arrest in Federal facilities. Federal buildings throughout America will be encouraged to serve as examples of rapid response to cardiac arrest emergencies through the implementation of public access to defibrillation programs. The programs will include training proper personnel in the use of the AED, notifying local emergency medical services of the placement of AEDs, and ensuring proper medical oversight and proper maintenance of the device. Furthermore, this bill seeks to fill in this gaps with respect to States that have not acted on AED legislation by extending good samaritan liability protection to people involved in the use of the AED.

I commend Representative CLIFF STEARNS for introducing this life-saving piece of legislation. And I urge all my colleagues to vote in support of the Cardiac Arrest Survival Act, which could save up to 50,000 lives each year by increasing access to Automated External Defibrillators.

I also want to take the opportunity to recognize a very special group of high school students from my district who have been working feverishly in support of H.R. 2498. The 341 members of the Distributive Education Clubs of America (DECA) Chapter at Robinson Secondary School launched a dual campaign last fall to not only work towards the successful passage of H.R. 2498, but to also educate the public about the benefits of AEDs.

Robinson's DECA Chapter recognized that a group of potential sudden cardiac arrest victims have been ignored by the public: teenagers. These energetic members sought to rectify this situation by initiating a public relations campaign to raise general awareness about the benefits of AEDs and to outfit high schools with these valuable devices. In a school as large as Robinson Secondary School, with 5,000 teachers, students, administrators, and community members, the need for an AED is particularly evident. In order to acquire the first student-purchased AED in the country, Robinson DECA held the Heart Start Shopping Night and raised the needed $3,500.

In working with the American Heart Association and a professional adult advisor committee, Robinson DECA also realized that not every state currently has legislation to provide Good Samaritan protection for operators of the AED. This motivated DECA to work in support of the passage of H.R. 2495, the Cardiac Survival Act. Their lobbying efforts included developing a slogan and logo, researching H.R. 2495 in order to write a research paper, personally lobbying all 435 House of Representative members and staff, staging a rally on the steps of the United States Capitol, holding a press conference, and designating and operating an internet home page.

Mr. Speaker, I applaud Robinson DECA's enthusiasm and dedication in helping others understand the great need for AEDs. And I share their pride today in seeing this vital bill coming to a vote on the House floor.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 2498, the Cardiac Arrest Survival Act of 2000. This bipartisan bill was authorized by my Florida colleague, Congressman CLIFF STEARNS. It was unanimously approved by the Health and Environment Subcommittee on May 9, and it was reported favorably by the Commerce Committee on May 17.

Mr. Speaker, a quarter million Americans die each year due to cardiac arrest. Many of these victims could be saved if portable medical devices called automated external defibrillators or ''AEDs'' were used. AEDs can analyze heart rhythms for abnormalities, and if warranted, deliver a life-saving shock to the heart. Experts estimate that 20,000 to 100,000 lives could be saved annually by greater access to AEDs.

H.R. 2498 directs the Secretary of Health and Human Services to issue regulations to provide for the placement of AEDs in federal buildings. The bill also establishes protections from civil liability arising from the emergency use of the devices.

During committee consideration of the bill, it was amended to give the Secretary of Health and Human Services greater flexibility to update the guidelines over time and greater guidance as to what types of assistance and involvement Congress intends. The amendments also clarified the liability provisions and incorporated standards for AED use and training.

The bill before us enjoys the strong support of the American Red Cross and the American Heart Association, as well as many Members on both sides of the aisle. It is rare that a solution to a problem so readily presents itself. We must seize this opportunity to reduce the number of lives tragically lost to cardiac arrest. I urge all Members to join me today in supporting this important legislation.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 2498, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HARRY S TRUMAN FEDERAL BUILDING

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3639) to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the ''Harry S Truman Federal Building'', as amended.

The Clerk read as follows:

H.R. 3639

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

SECTION 1. DESIGNATION.

The Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, shall be known and designated as the ''Harry S Truman Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Harry S Truman Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

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

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I am very pleased to move this measure directly to the floor today to honor a truly great American.

Harry Truman was an improbable president, who never sought this high office, but who rose to the occasion when asked by circumstance beyond his control.

If anyone has any doubt whatsoever about him being a great president, I would suggest that they read David McCullough's biography, Truman, which is an extraordinary biography, and which makes it very, very clear that this American rose from very humble beginnings to make some of the most significant decisions of the 20th Century.

He grew up in Missouri in a farm family, was a farmer himself for many years. During World War I, he became an artillery officer and served at the front for over 6 months. Indeed, in Mr. McCullough's wonderful book he describes how Harry Truman was having difficulty passing the eye test and so he memorized the eye chart so he could serve his country.

During the 1920's, and until his election to the United States Senate, he was a county judge, the equivalent of what in many of our States we call county commissioners. He championed a road construction program in his county and, indeed, later, when he was elected Senator, he helped draft the Transportation Act of 1940 as well as the Aeronautics Act of 1938.

During the time he presided as president, he indeed presided over the fall of Germany, the ultimate surrender of Japan, and he made the historic decision to drop the bomb on Hiroshima and Nagasaki, which many say saved as many as a million American lives.

While the world was recovering from the war, he urged the creation of the United Nations and set forth the Truman doctrine, a policy that supports free people who resist communism. And Greece is free today probably because of his decision.

During his first administration, he presided over the massive Berlin airlift. And I saw on a TV show just in the past few weeks where his whole cabinet was virtually unanimously opposed to continuing the Berlin airlift, but he made this decision by himself and overruled his cabinet so that we could keep that city free.

He approved the Marshall Plan to rebuild Europe, urged the recognition of Israel, promoted the four-point program for foreign aid, and authorized our entry into the Korean conflict.

He has earned the praise of both Republicans and Democrats. And it seems as each year goes by, as historians measure this American, he rises in the judgment and in the eyes not only of historians but of the American people.

There is no monument to this great president and designating the State Department headquarters in Washington is most fitting for this true visionary and great American, and I am very pleased to be able to bring this legislation to the floor today.

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

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

I want to express at the outset my great appreciation to the chairman for moving so expeditiously on this matter. The naming of the building has been requested by a number of our colleagues and, in particular, by the Secretary of State, Madeleine Albright, who has been a vigorous advocate for naming the State Department building after one of our truly great heroes in American history.

On April 12, 1945, most of us can remember, those who remember back that far, what we were doing on that particular day. I know exactly where I was sitting in my little hometown of Chisholm. Vice President Harry Truman was just off the House floor, one floor below, in what was known as the Board of Education Room, sharing a moment with Speaker Sam Rayburn.

Word came from the White House Press Secretary, Steve Early, to get over to the White House immediately. Truman saw the urgency of that message, left, and there at the White House he learned from First Lady Eleanor Roosevelt of the President's unexpected and untimely death.

After a few silent moments, he asked Eleanor Roosevelt if there was anything he could do for her.

□ 1515

Shaking her head, she said, ''Is there anything we can do for you? You are the one in trouble now.'' Well, that underscored or maybe in a very quiet way stated what a lot of people believed that maybe Harry Truman was not ready to be President.

There is a companion story that when Truman was elected and took his seat in the United States Senate, he said to friends, I looked around and I saw names like Carter Glass, Robinson, Patman, this Patman in the House, others, and he said, what am I doing here? And after about 6 months on the floor of the United States Senate, he looked around and he said, what are they doing here? That was Harry Truman.

There was one subject that Harry Truman's lifetime biographer Merle Miller wrote in Plain Speaking, one subject on which Mr. Truman was not going to have second thoughts: it was the bomb.

The bomb had ended the war. ''If we had had to invade Japan, half a million soldiers on both sides would have been killed and a million more would have been maimed for life. It was simple as that. That was all there was to it. And Mr. Truman had never lost any sleep over that decision.''

Well, yes. And since Mr. Truman had made the decision to drop the bomb all by himself, no one else was around when he made up his mind. And that also characterized Harry Truman.

When 1948 came along and he was running for election as President, he had taken some very strong positions. And, as we all know, he had asked for a fair employment practice commission and asked for a permanent commission on civil rights and was told, if he did that, if he persisted with his plan, some Southerners would walk out. And ''I said,'' Mr. Truman commented, ''if that happened, it would be a pity. But I had no intention of running on a watered-down platform that said one thing and meant another; and the platform I did run on and was elected on went straight down the line on civil rights. People said I ought to pussyfoot around, that I shouldn't say anything that would lose the Wallace vote and nothing that would lose the Southern vote. But I didn't pay any attention to that. I said what I thought had to be said. You can't divide the country up into sections and have one rule for one section and one rule for another. And you can't encourage people's prejudices. You have to appeal to people's best instincts, not their worst ones. You may win an election or so by doing the other, but it does a lot of harm to the country.''

That is Harry Truman, plain speaking, plain and simple, one of America's great heroes.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding me the time and for bringing this bill to the floor.

Mr. Speaker, I was pleased to join the gentleman from Missouri (Mr. SKELTON) to introduce the bill to name the Headquarters Building of the U.S. State Department for our Nation's 33rd President and Missouri's favorite son, Harry S Truman.

The ''Man From Independence'' was a man from middle America, a man like millions of others at the beginning of the 20th century. He reflected America's farms and small towns. He understood poverty and hard work. He valued education and read book after book from the Independence Public Library. He later would observe that there was not much left in human nature that one could not find in Plutarch's Lives in a community where not lots of people had read Plutarch's Lives.

He valued his parents. His love for his wife Bess and their daughter Margaret was unquestioned. His family was most important to him.

He was a man who understood courage, not as a philosophical abstraction, but by facing, along with those he commanded, artillery fire at night, in the mud, in the rain in France during World War I.

Truman was a farmer and a small businessman who struggled to make a living on the farm and from a retail store. Then this farmer, small businessman, volunteer soldier helped create a vision for America's place in the

world that was far different from that imagined by those who had gone before him and shaped American foreign policy for decades.

If there is one word that describes this native of Lamar, Missouri, it was ''courage.'' Physical courage allows one to rally his troops late at night in the face of open fire the way he did in the forests of France. He proved he had that kind of courage. But Truman also had the courage of his convictions.

It was his courage of convictions that catapulted him to the ranks today of one of the greatest Presidents of our history. He willingly rejected conventional wisdom at the end of World War II and led the free world to provide for the effective rebuilding of Japan and Germany rather than trying to crush their national identities.

Truman knew the sacrifices and heroism of African American soldiers, sailors, and airmen. His convictions said that these men and women were not being treated properly. His courage allowed him to cast aside decades of prejudice to order that the U.S. Armed Forces would be no longer segregated, a decision he made more than 20 years before the Civil Rights Act passed this House.

The ''Man From Independence'' was known for being a leader to defend the Constitution. His courage allowed him to stand toe to toe with General Douglas MacArthur and ensure that constitutional separation of civilian and military power was upheld.

Even in this age when it has become fashionable to denounce the decisions of past leaders, I believe it was the courage of Truman's convictions that allowed him to make one of the most far-reaching decisions of the 20th century, which the gentleman from Minnesota (Mr. OBERSTAR) has already mentioned, and bring an end to World War II.

As America enters the new century as the undisputed leader of the world, our foreign policy must be driven by our convictions about peace, about justice, about freedom. But conviction alone is never enough. President Harry Truman had convictions, but he also had the courage to put those convictions into practice, even when others doubted and criticized him.

Commemorating the memory of this great President by naming the headquarters of the State Department can send an important signal to the rest of the community of nations. First, America is built on a strong bedrock of convictions which come from all its citizens, not just from those born rich and powerful. Second, we do have the courage to put those convictions into practice; and both our determination and our courage need to be understood by the nations of the world.

Naming the headquarters of the State Department after my fellow Missourian, Harry Truman, is another way to send that message to the world. I urge my colleagues to vote for this bill.

Mr. OBERSTAR. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. SKELTON), who is the principal advocate and relentless advocate for this legislation.

Mr. SKELTON. Mr. Speaker, I am pleased that H.R. 3639 has come before the House. This bill, which I introduced along with my fellow Missourian (Mr. BLUNT), would name the State Department Headquarters Building in honor of our 33rd President, Harry S. Truman.

I especially thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for bringing this bill to the floor.

I came to personally know President Truman through my father, Ike Skelton, Sr., who developed a friendship with him some 71 years ago at the dedication of the Pioneer Mother Statue, the Madonna of the Trail, located in my hometown of Lexington, Missouri. Through the years, I developed my own friendship with this genuinely nice person we call the ''Man From Independence.''

President Truman was a man of strong personal character who held deep regard for his country and for the American people. He was a man of great devotion to his wife and life-long sweetheart Bess and to his daughter Margaret Truman Daniel. He was politically courageous, and during the critical years that ended and followed World War II, Harry Truman was faced with many difficult and often politically unpopular decisions. However, he faced these obstacles head on and established a foreign policy that guided the United States of America through the duration of the cold war.

Most importantly, Truman guided the United States away from our established pattern of peacetime isolationism in order to assist European economic recovery and security.

During his presidency, Truman launched the Marshall Plan and established the North Atlantic Treaty Organization under which Western Europe remains protected to this day.

President Truman also displayed significant courage in standing up to the communist aggression that marked the beginning of the cold war. The Truman Doctrine made it clear that the United States would not stand idly by in the face of communist aggression. Truman's commitment to the democratic rights of free people was also made clear as the U.S. provided essential supplies to the people of Berlin during the Soviet blockage and when Truman made the agonizing decision to use American troops to lead the United Nations resistance to the communist invasion of South Korea. These actions earned the praise of British Prime Minister Winston Churchill, who said to Truman, ''You, more than any other man, have saved Western Civilization.''

Harry Truman understood well the importance of America's effective diplomacy as a complement to our strong economy and military forces. Time and time again during his presidency, President Truman spoke eloquently to the American people about the lessons of history and the responsibilities of leadership.

In 1947, Truman said, ''We have learned by the costly lessons of two world wars that what happens beyond our shores determines how we live our own lives. We have learned that, if we want to live in freedom and security, we must work with all the world for freedom and security.''

America is truly grateful that the right leader was in the right place when President Franklin Roosevelt's extraordinary life ended. Associating Harry S. Truman's name with the United States Department of State is a fitting tribute to him. He contributed so much to the American people and to the citizens of the world. I am proud to say he will always be Missouri's favorite son.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I am honored to rise today in support of this measure. I join my colleagues in saluting Missouri's favorite son and one of this Nation's most popular Presidents, Harry Truman.

I have a deep personal interest in the life and legacy of President Truman because I represent Independence, Missouri, where Truman launched his career in public service as Jackson County presiding judge. His famed presidential library and his childhood home and farm are located in my congressional district.

Harry Truman distinguished himself as a plain spoken leader who cared about people. He has been a model to me in my service to the people of Missouri.

I have a replica of the message that President Truman had on his presidential desk, which reads, ''The buck stops here.'' It is a constant reminder of his goal to maintain common sense and service to the people and helped him to prevail during the many difficult global situations he faced during his presidency.

In his inaugural address, he outlined an unprecedented foreign policy agenda. Last year, I was able to join in witnessing the expansion of the Truman foreign policy legacy at the Truman Presidential Library. We commemorated the 50th anniversary of NATO, which he created. And in the spirit of Harry Truman, NATO was expanded to include representation from the Czech Republic, Hungary, and Poland.

The naming of the U.S. State Department Building after President Truman is really one the most appropriate and meaningful tributes this Congress can make in his memory. May every individual who enters the State Department Building be inspired by the many

national and foreign policy accomplishments of Harry Truman.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3639, and I ask that we honor President Truman, this legendary leader, who has left such a tremendous great legacy to those of us who continue to work so hard to make possible the leadership and the greatness that our country commands today.

Mr. Speaker, I am honored to rise today in support of H.R. 3639, a bill to designate the U.S. State Department building as the Harry S. Truman Federal Building. I join my colleagues in saluting Missouri's favorite son and one of this Nation's most popular Presidents, Harry Truman.

Choosing to name the U.S. Department of State after President Truman is a fitting tribute to the man who helped end isolationism and establish this country's dominant role in international relations.

I have a deep personal interest in the life and legacy of President Truman because I represent Independence, Missouri, where Harry Truman launched his career in public service as Jackson County Presiding Judge. His famed Presidential Library and his home and farm are located in my Congressional District.

Harry Truman distinguished himself as a plain spoken leader who cared about people. He has been a model to me in my service to the people of Missouri. His honest, matter of fact approach to all issues is one all public servants can aspire to. In my congressional office I have a replica of the message that President Truman had on his desk which reads ''The Buck Stops Here.'' It is a constant reminder of his goal to maintain common sense in service to the people and helped him to prevail during the many difficult global situations he faced during his Presidency.

President Truman's career was highlighted by many accomplishments: The famous Truman Committee of the early 1940's; victory in world war II; the recognition of the new state of Israel; and most notably his vision for the future of foreign policy. President Truman demonstrated the compassion and courage admired by the world through his strategic action in employing the Berlin Airlift and his commitment to ''support free peoples who are resisting subjugation . . .'' which became known as the Truman Doctrine.

Truman in his inaugural address outlined an unprecedented foreign policy agenda calling for the ongoing support of the United Nations, the continued support for the Marshall Plan, the creation of a collective defense for the North Atlantic Region—NATO (North Atlantic Treaty Organization), and ''Point IV—a bold new program'' to help the underprivileged peoples of the world. Last year I was able to join in witnessing the expansion of the Truman foreign policy legacy at the Truman Presidential Library. As we commemorated the 50th anniversary of NATO in the spirit of Harry Truman, NATO was expanded to include representation from the Czech Republic, Hungary, and Poland.

I am extremely proud to have supported this legislation because I firmly believe that naming the U.S. State Department building after President Truman is one of the most appropriate, meaningful tributes this Congress can make in his memory. May every individual who enters the State Department building be inspired by the many national and foreign policy accomplishments of Harry Truman.

Finally, I want to make part of the record a beautiful collection of words which the President carried in his wallet from the time he graduated from high school. According to the Truman Library, the President attributed the words to a poem by Alfred Lord Tennyson entitled ''Locksley Hall.'' The words are powerful and I hope my colleagues find the words as inspiring as I do.

For I dipt into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be;
Saw the heavens fill with commerce. Argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
Heard the heavens fill with shouting, and there rain'd a ghastly dew
From the Nations' airy navies grappling in the central blue;
Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thro' the thunderstorm;
Till the war-drum throbb'd no longer, and the battle-flags were furl'd
In the parliament of man, the federation of the world,
There the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3639 to name the U.S. State Department building in honor of President Harry S. Truman, a legendary leader in matters of state whose lasting vision made possible the international leadership and greatness our country commands today.

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

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, we are here today to discuss the possibility of honoring Harry S. Truman by naming a building after him. And indeed, he was a truly remarkable man.

A prior speaker, former State senator now, the gentleman from Missouri (Mr. SKELTON), quoted Churchill in saying that Truman had saved Western Civilization. Well, he had done that. And yet he was such a remarkable and humble man that when the press asked former President Truman at that time after he had returned to Independence, Missouri, what was the first thing he did as the former President, he paused for just a moment and he said, ''I carried the grips up to the attic.''

That was Harry S. Truman. He never lost those small-town values that meant so much to him and to the Nation.

□ 1530

This is a man who led us out of the darkness of war and into the dawn of peace. He leaves a legacy that those in Missouri and indeed our entire Nation are very proud of.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I want to congratulate the gentleman from Missouri (Mr. SKELTON) as well as the gentleman from Missouri (Mr. BLUNT) for introducing H.R. 3639, to name the State Department headquarters building in honor of our 33rd President, Harry S. Truman. I remember that expression that was shared just a while ago about the buck stops here, because he took full credit as well as at times took the heat for what occurred during his watch. He offered a lot of what I call political courage and will always be remembered as one of the greatest Presidents in the history of this country.

I met President Truman in the 1950s when my father, Governor Frank G. Clement, was governor of Tennessee, and he visited the governor's residence in Tennessee. We had him for dinner as well as he spent the night. I will never forget the next morning. My father went to his room knowing that President Truman had a habit of getting up early in the morning. My father went to the guest quarters at the governor's residence, no Harry Truman, and could not find him. He went downstairs and asked the security people, where is the former President? Where is President Truman? None of the security people had seen him. They found him walking down Curtiswood Lane all by himself in front of the governor's residence. He would always be one of those kinds of people to surprise people and do what he wanted to do because he was just that kind of person. I will say my father just about fired three or four security people right there on the spot, having the former President here at the governor's residence; and we could not find where he was.

He made a difference. He is responsible and launched the Marshall Plan. He helped end World War II, NATO, the Truman Doctrine. He will always be remembered as one of the greatest Presidents in the history of this country. God bless President Truman.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I am very happy to say a few words in strong support of H.R. 3639, the legislation to name the State Department building for President Harry S. Truman. It is a most appropriate tribute to our 33rd President to engrave his name on the building that houses our diplomatic corps.

Harry Truman, as we all know, rose from humble beginnings to become the

leader of our Nation during a time of great crisis. When Franklin Roosevelt died 80 days into his fourth term, his Vice President had been ill-prepared to take over. Not part of Roosevelt's inner circle, Truman had to learn most of his foreign policy on the fly. The country was still at war in Europe and the Pacific, the atomic bomb was being developed in secret, and Joseph Stalin was backing away from the agreements reached at Yalta.

Barely within Truman's first month in office, Germany surrendered. While confronting the need to rebuild Europe and control Stalinist governments in Yugoslavia and Poland, the new President also had to wage war in the Pacific. When Japan refused unconditional surrender, Truman had to decide whether to keep fighting by conventional means, which course he knew would cost hundreds of thousands of American and Japanese lives, or to use the atomic weapon.

After weighing the cost of prolonging the war, he opted to drop a devastating bomb he did not even know existed 4 months earlier. The aftermath of the war was a time of great political upheaval at home. Faced with a country that was tired of the sacrifices of war, Truman watched as Republicans won majorities in both houses of Congress. Given no chance to win reelection in 1948, Harry Truman took his case to the people. In his famous whistle-stop campaign, he traveled almost 22,000 miles by train, stopping in small towns and cities all across the country. In an upset victory over New York Governor Thomas Dewey, Truman was elected President in his own right.

During this term in office, Harry Truman had his great foreign policy successes, the Truman Doctrine to stop the spread of totalitarianism in Europe, the Marshall Plan to rebuild Europe, and the Berlin Airlift to resupply West Berlin in the face of a Soviet blockade. These programs established the willingness of the United States to remain engaged in world affairs and not to retreat into isolationism as we had done after World War I.

Harry Truman was a great man who was underappreciated in his time. History has shown the wisdom of his vision for America and for the world. Mr. Speaker, I am proud to support this effort to designate the State Department building as Harry S. Truman Federal Building and commend the sponsors of this legislation.

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

I close with an observation about the last campaign of President Truman about which he reminisced in Plain Speaking:

> Another thing about that election, I won it not because of any special oratorical effects or because I had any help from what you would call the Madison Avenue fellows but by a statement of fact of what had happened in the past would happen in the future if the fellow that was running against me was elected.
>
> I made 352 speeches that were on the record and about the same number that were not. I traveled altogether 31,700 miles, I believe, and it was the last campaign in which that kind of approach was made. Now, of course, everything is television; and the candidates travel from one place to another by jet airplane. And I don't like that.''

I think the American people do not like it much, either. I think they would like a return to the plain speaking of Harry Truman and to the personal contact that he made with people. If we could all live up to the very simple ideals by which he lived his life, ran the White House, steered us through the end of World War II and into the postwar period, we will all be a better country. That is why we are taking the step of naming the Department of State building for a man who is truly a statesman.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I speak in support today of H.R. 3639, designating the Harry S. Truman Federal Building. I really want to commend the gentleman from Missouri (Mr. SKELTON) who is a very dear, close personal friend. He has worked tirelessly over the past few years in Congress to make sure that the only Missourian ever elected to serve as President of the United States is duly recognized for his great work to this country.

I commend the gentleman for the dedication and commitment he has made. I want to thank him for that. I also want to say that I find it very fitting that we are debating the naming of the headquarters of the State Department in honor of President Harry Truman. Many of President Truman's greatest legacies center around foreign policy, from winning the war to winning the peace to helping negotiate NATO and the creation of the National Security Council, to the writing of the Marshall Plan which assisted in the rebuilding of Europe following World War II.

Back in 1899, Congressman William Duncan Vandiver, who was my predecessor in Congress, defined what it meant to be from Missouri when he said, ''I come from a State that raises corn and cotton and cockleburs and Democrats, and frothy eloquence neither convinces nor satisfies me. I am from Missouri. You have got to show me.'' No one better exemplified this sentiment than our own plain speaking Harry S. Truman. Let me again thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Minnesota (Mr. OBERSTAR) and, of course, the gentleman from Pennsylvania (Mr. SHUSTER) for working to ensure that Missouri's brightest son gets the honor that he so greatly deserves.

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

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

In closing, I want to emphasize that getting this legislation here today was not an easy task but it was a very worthy task. It is the gentleman from Missouri (Mr. SKELTON) and the gentleman from Missouri (Mr. BLUNT) who really deserve enormous credit for our being here today to honor this great American. While it is true that Harry Truman was a plain speaking man, he certainly was not a plain thinking man. In fact, he made some of the most lonely and historic decisions of our century.

He also was a much more sophisticated man than many might think. He was a classical pianist. He not only could play the Missouri Waltz, he could play Chopin and the other great classical composers. He did that in the White House as well as in other places. Harry Truman was a quintessential American. This is so very deserving. I strongly urge the support for this legislation.

Mr. GEPHARDT. Mr. Speaker, I rise in support of H.R. 3639, which names the headquarters of the Department of State after a great American from my home state of Missouri the 33rd President of the United States, Harry S Truman. And I commend my good friend and colleague IKE SKELTON for his leadership in spearheading this important effort.

It is appropriate that we name the State Department's headquarters after Harry Truman, for he truly was a statesman of world stature. He was a visionary who inspired generations worldwide with his pursuit of peace through diplomacy, and with his defense of free peoples. From his unwavering support of establishing the United Nations as the best hope for peace, to the fateful decisions ending the Second World War, to the heroic effort of the Berlin airlift, President Truman demonstrated time and again his greatness.

Yet at the same time, Harry Truman never forgot his roots in Missouri, where he had learned the virtues of loyalty, hard work, perseverance and personal responsibility. He not only talked about these Americans values, he lived them. His life story, the rise from farmer and haberdasher to judge to United States Senator, to Vice President, and finally to President of the United States, still inspires us with the truth of the old adage that anyone can grow up to be President. Through it all, Harry Truman showed us by example the value he placed on family and friends through the loyalty and honor he bestowed on those close to him, no matter how lofty his office became.

Harry Truman's character and accomplishments stand as benchmarks by which public servants are measured to this day. Honesty, integrity and the courage to make the toughest decisions were the hallmarks of his presidency. Whether facing foreign aggression in Korea, pushing for civil rights at home, or standing against the divisiveness of McCarthyism, Harry Truman was a leader who served as an example to the whole world of the greatness of our democracy. He reached across racial barriers, party lines, and international boundaries pursue the causes he believed in.

The immortal sign that sat on is desk ''The Buck Stops Here'' says it all. On so many hard decisions affecting the fates of so many people, the buck truly did stop with Harry S

Truman. He used the power of his office and the power of his character to lead the American people and the world into a new and uncertain future, the foundation of peace and prosperity that we enjoy today. And he charted a course for America of active engagement with the world grounded in the values that have made this nation great.

I am truly proud to rise in support of this bill. Harry S Truman was a great American and a great Missourian who made our country and the world better by his deeds and his example.

Mrs. EMERSON. Mr. Speaker, I rise today to speak in support of H.R. 3639, designating the Harry S. Truman Federal Building. I want to first commend Congressman IKE SKELTON, a close dear friend of mine. He has worked tirelessly over the past few years in Congress to ensure that the only Missourian ever elected to serve as President of the United States is duly recognized for his great work to this country.

I find it fitting that we are debating the naming of the headquarters of the State Department in honor of President Truman. Many of President Truman's greatest legacies center around foreign policy, from winning the war to winning the peace, to helping negotiate NATO and the creation of the national security council to the writing of the Marshall Plan, which assisted in the rebuilding of Europe following World War II.

In 1899, Congressman William Duncan Vandiver, who was my predecessor in Congress, defined what it meant to be from Missouri, when he said, ''I come from a state that raises corn and cotton and cockleburs and Democrats, and frothy eloquence neither convinces nor satisfies me. I am from Missouri. You have got to show me.'' No one better exemplified this sentiment than our own plain speaking President Harry S. Truman.

I want to thank Mr. SKELTON and Chairman SHUSTER for working to ensure that Missouri's brightest son gets the honor that he so greatly deserves.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3639, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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 and include extraneous material on H.R. 3639, as amended, the measure just considered by the House.

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

There was no objection.

ANNOUNCEMENT REGARDING DEBATE ON H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

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

Mr. DREIER. Mr. Speaker, in an effort to maximize the amount of time for the House to debate the important issue of commercial relations with the People's Republic of China, I intend to propound a unanimous-consent request to begin debate on this issue this evening with 2 hours of debate equally divided between the bill's proponents and opponents from both sides of the aisle.

Furthermore, the Committee on Rules will meet later today to grant a rule on H.R. 4444 which will provide for further consideration, debate, and a vote on this very important issue.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker as though pursuant to clause 2(b) of rule XVIII to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; that the first reading of the bill be dispensed with; that all points of order against consideration of the bill be waived; that general debate proceed without intervening motion, be confined to the bill, and be limited to 2 hours equally divided among and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the gentleman from California (Mr. Stark), and the gentleman from California (Mr. Rohrabacher) or their designees; that after general debate the Committee of the Whole rise without motion; and that no further consideration of the bill be in order except pursuant to a subsequent order of the House.

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

There was no objection.

□ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1402, by the yeas and nays;

House Concurrent Resolution 293, de novo;

H.R. 2498, by the yeas and nays; and

H.R. 3639, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

VETERANS AND DEPENDENTS MILLENNIUM EDUCATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1402, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the Senate bill, S. 1402, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 220]

YEAS—417

Abercrombie	Campbell	Dunn
Aderholt	Canady	Edwards
Allen	Cannon	Ehlers
Andrews	Capps	Ehrlich
Archer	Cardin	Emerson
Armey	Carson	Engel
Baca	Castle	English
Baird	Chabot	Eshoo
Baker	Chambliss	Etheridge
Baldacci	Chenoweth-Hage	Evans
Baldwin	Clay	Everett
Ballenger	Clayton	Ewing
Barcia	Clement	Farr
Barr	Clyburn	Fattah
Barrett (NE)	Coble	Filner
Barrett (WI)	Coburn	Fletcher
Bartlett	Collins	Foley
Barton	Combest	Ford
Bass	Condit	Fossella
Bateman	Conyers	Fowler
Becerra	Cook	Frank (MA)
Bentsen	Cooksey	Franks (NJ)
Bereuter	Costello	Frelinghuysen
Berkley	Cox	Frost
Berman	Coyne	Gallegly
Berry	Cramer	Ganske
Biggert	Crane	Gejdenson
Bilbray	Crowley	Gekas
Bilirakis	Cummings	Gephardt
Bishop	Cunningham	Gibbons
Blagojevich	Danner	Gilchrest
Bliley	Davis (FL)	Gillmor
Blumenauer	Davis (IL)	Gilman
Blunt	Davis (VA)	Gonzalez
Boehlert	Deal	Goode
Boehner	DeFazio	Goodlatte
Bonilla	DeGette	Goodling
Bonior	Delahunt	Gordon
Bono	DeLauro	Goss
Borski	DeLay	Graham
Boswell	DeMint	Granger
Boucher	Deutsch	Green (TX)
Boyd	Diaz-Balart	Green (WI)
Brady (PA)	Dickey	Greenwood
Brady (TX)	Dicks	Gutierrez
Brown (FL)	Dingell	Gutknecht
Bryant	Dixon	Hall (OH)
Burr	Doggett	Hall (TX)
Burton	Dooley	Hansen
Buyer	Doolittle	Hastings (FL)
Callahan	Doyle	Hastings (WA)
Calvert	Dreier	Hayes
Camp	Duncan	Hayworth

Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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
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
Mascara
Matsui
McCarthy (MO)
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
Mollohan
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
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
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)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Bachus
Brown (OH)
Capuano
Cubin
Forbes
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Pickett
Rodriguez
Stupak
Waxman
Weiner

□ 1605

So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read:

Amend the title so as to read: ''An Act to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI Bill and to enhance programs providing educational benefits under that title, and for other purposes.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 8, rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each motion to suspend the rules on which the Chair has postponed further proceedings.

URGING COMPLIANCE WITH HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 293, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 293, as amended.

The question was taken.

RECORDED VOTE

Mr. OSE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 18, as follows:

[Roll No. 221]

AYES—416

Abercrombie
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)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
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
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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
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
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (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
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence

Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
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)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Hilliard
Larson
Martinez
McCarthy (NY)
McCollum
McHugh
McIntosh
Pease
Pickett
Rodriguez
Stupak
Waxman
Weiner

☐ 1615

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCHUGH. Mr. Speaker, on rollcall No. 221, I was inadvertently detained. Had I been present, I would have voted ''aye.''

CARDIAC ARREST SURVIVAL ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and pass the bill, H.R. 2498, 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 Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 2498, 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 415, nays 2, not voting 17, as follows:

[Roll No. 222]

YEAS—415

Abercrombie
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)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
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
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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
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
Mascara
Matsui
McCarthy (MO)
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
Mollohan
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
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
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)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—17

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Hilliard
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Rodriguez
Royce
Stupak
Waxman
Weiner

☐ 1623

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.

HARRY S TRUMAN FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3639, 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 Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3639, as amended, 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 413, nays 0, not voting 21, as follows:

[Roll No. 223]

YEAS—413

Abercrombie
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)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
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
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
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
Mollohan
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
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
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)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Brown (OH)
Capuano
Chenoweth-Hage
Cubin
Davis (FL)
Forbes
Hilliard
Hutchinson
Jones (OH)
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Rodriguez
Spratt
Stupak
Waxman
Weiner

□ 1634

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.

REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–635) on the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to the order of the House today 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. 4444.

□ 1636

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. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House today, the bill is considered as having been read the first time.

Under the order of the House today, the gentleman from Texas (Mr. ARCHER), the gentleman from Michigan (Mr. LEVIN), the gentleman from Wisconsin (Mr. KLECZKA), and the gentleman from California (Mr. ROHRABACHER) each will control 30 minutes.

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

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

Mr. Chairman, I say to my fellow Members that this debate today is likely the most important debate that we will make, not only in this Congress, perhaps in our entire careers.

I rise in strong and full support of this legislation which grants normal trading relations to China and helps to open its borders to the enterprising superiority of American workers, American businesses, and American farmers.

This historic legislation serves two critical American interests: first, it creates potentially hundreds of thousands of new higher-paying jobs for American workers; second, it helps our children and our grandchildren to live in a more peaceful world and enhance our national security.

Human rights, so important to us Americans, will be helped because we know from the testimony of many Chinese dissidents that continuing normal trade with China is a plus.

The environment is important, and this legislation will help improve environmental protection. This vote will be the most important vote that we as Members of this House will cast, as I said, in this Congress and perhaps in our congressional careers.

While the bill itself may be small, the issue surrounding NTR for China is massive. As chairman, I have worked hard to accommodate Members on both sides to produce a bill that addresses their concerns on issues, such as human rights, prison labor, environment, and anti-surge protections; and I am pleased that we can include that language for consideration by the House.

This parallel bill, as it is called, is bipartisan; and both the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER) deserve enormous credit for its accomplishment.

Mr. Chairman, China represents over one-quarter of the world's population. Over 1 billion people will not be ignored in the international marketplace. Yes, we can agree that China's human rights do not measure up to our own standards; we can agree that their environmental and labor conditions need to be improved.

But how does suffering our economic relations with China help us to bring about the positive and monumental change which opponents to this bill say they want? Mr. Chairman, no opponent has been able to show me how we will be better off in accomplishing these goals if we turn down normal trading relations with China. If we fail today, it will certainly play into the hands of the hardliners in China, and that cannot be good for our national interests. I have said that it would be unthinkable for the Congress not to approve this historic legislation.

The American people are with us. By the most recent polling data, they

overwhelmingly support this bill because they know it is good for jobs in America and good for human rights and the environment in China.

Much of this debate has focused on exports, on crops and computers and cars and other material goods, and they are important. But the greatest American exports to China are those yet to come, the freedom of choice and the freedom of opportunity.

History has shown us that no government can withstand the power of individuals who are driven by the taste of freedom and the rewards of opportunity. We need to pass this bill.

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

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

Mr. Chairman, trade issues are never easy. They become more difficult as globalization has become global. It now includes the largest nation in the world. It is destined, according to World Bank estimates, to have the second largest national economy in the world in 20 years.

So China's integration into the world trading system inevitably presents both opportunities and challenges both. What we have to do is to take advantage of the benefits in the agreement that we negotiated with China and also actively address the problems in our relationship.

Briefly, the benefits, and there will be more discussion of this, the distinguished gentleman from Texas (Mr. ARCHER), chairman of the committee, has laid out some of them. Lower tariffs, dramatically lower tariffs over time for both agricultural and industrial products. Service, a dramatic breakthrough for our service industries. Telecommunications, China is exploding in terms of telecommunications. So vital barriers that now exist, for example, local content requirements, they are out the window under this agreement. Restrictions on distribution of our products made in the United States, they are gone over time under this agreement. Technology transfers that were required by China up to this point would no longer be available to the Chinese.

The point is clear: if we do not grant PNTR to China, it is going into the WTO in any event. In any event.

□ 1645

The U.S. has no veto power over their entry. And if we do not grant PNTR, most of the benefits that we negotiated with the Chinese Government will not be available to us but they will be to our competitors.

There has been some talk these months about the 1979 agreement between the U.S. and China giving us all of the benefits that we have since negotiated. I have read the documents many times, and that is simply incorrect. But I want to focus right now on the challenges, because there are challenges as well as opportunities. One of them is the issue of compliance.

There is weak rule of law today in China. How are we going to make sure that China complies with its agreements? The gentleman from Nebraska (Mr. BEREUTER) and I have put together legislation to address this challenge as well as others, and there are some meaningful compliance provisions in our proposal. One relates to the USTR review, an annual review within our own ranks, detailed, meaningful.

Perhaps it is important granting resources to our agencies China specific, China specific, to enforce their agreement. And also there is, in essence, an instruction to our USTR that in the protocol discussions that will ensue now that the EU has reached agreement with China, that she will insist, she will work actively for an annual review within the WTO of the agreement by China.

That is the first aspect in terms of the challenge. The second one relates to the potential surges in products from China. It is going to compete with us. That is what trade is. It is competition. And there could be harmful surges from China into the U.S. that would hurt our workers and hurt our producers.

I will not go into detail now, but I can say, as someone who has worked on these issues now for 15 years and fought to keep the antidumping provisions in U.S. law in the Uruguay Round, and successfully, with the help of the gentleman from New York (Mr. HOUGHTON), this provision, this specific provision as to surges from China and handling them, is the strongest antisurge provision that will be in U.S. law.

Third relates to human rights, including international core labor standards in the U.S. law. First of all, in the legislation that the gentleman from Nebraska (Mr. BEREUTER) and I have proposed and will be before us tomorrow, what we do is to set up a task force, and a meaningful one, to pull together the agencies of the U.S. Government to work with Customs to make sure that our law on forced and prison labor products from China, that that law is implemented.

And then the commission that we have proposed; high level, at the executive-congressional level, full time, fully staffed, patterned after the Helsinki Commission, 25 years old. That commission was effective in Eastern Europe. This commission that we have put together on paper, if we work at it, will be effective in reality. There will be nine Members from the House, nine from the Senate, five from the executive at the highest levels. We will represent the majority on that commission.

The Helsinki Commission worked and this can work. It will work because we will be determined to make it work.

So, the provisions that the gentleman from Nebraska (Mr. BEREUTER) and others and I have worked on combines PNTR with this framework, with this plan of action that is the most promising approach to take advantage of the opportunities and to meet the challenges. It allows us to both engage China and to confront. It recognizes the internal forces for change in China and reinforces them with external pressures by us.

I want to refer briefly, as I close, to two comments in recent articles, one by Dai Qing, who is perhaps China's most prominent environmentalist and independent political thinker, and here is what he said recently in a report in The Washington Post. In quotes. ''There is a battle here between opening to the West and closing to the West. This fight is not over. One of the main economic and political problems in China today is our monopoly system, a monopoly on power and business monopolies. Both elements are mutually reinforcing. The WTO's rules would naturally encourage competition and that's bad for both monopolies.''

And then an article just this last Sunday in The New York Times. This is a report, not an editorial, and it is entitled ''Chinese See U.S. Trade Bill as Vital to Future Reforms.'' And after quoting a large number of people in China, including one who recently lost his job as a reformer, this is what all of them in this article say. ''Chinese say their country is at a tipping point in its history. A yes vote on normal trade can propel it forward to greater liberalization and engagement with the West. A no vote from Congress will be seen as a slap in the face, throwing China back into conservatism and anti-American hatred.''

Rejecting PNTR now that it has been combined with the proposals in our legislation would likely be a catalyst not for change but for chaos in the relationships between the U.S. and China. It would make both active engagement and constructive confrontation by the U.S. much more difficult.

There is a better course, colleagues, in this distinguished body at this distinguished moment. It is passage of PNTR, now combined with a framework, with a plan of action, with a strategy to assess the advantages and address the problems.

I was in China 10 days in January, in Beijing and then Hong Kong. After talking to students, after talking to intellectuals, to artists, as well as government officials, I came to the conclusion indelibly that change in China is irreversible but its direction is not inevitable. We must be activists in this process of change. We, the United States, cannot isolate China and its 1.2 billion people; and we must not isolate ourselves from impacting on China's future direction.

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

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from California (Ms. PELOSI).

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

Mr. Chairman, every now and then this Congress has the opportunity to

associate our country with the aspirations of people who sacrifice their lives and their livelihood for freedom. The PNTR vote that we are debating today gives us that challenge. It challenges the Congress to stand with the man before the tank, who courageously, courageously, stood his ground for freedom. It challenges us to speak out against the brutal occupation of Tibet and against the serious repression in China.

We have been told over the last decade that human rights in China would improve if we had unconditional trade benefits for China. Not so. More people are imprisoned for their beliefs in China today than at any time since the cultural revolution.

We were told that unconditional trade benefits for China would stop China's proliferation of weapons of mass destruction to rogue states. Again, not so. Not only does China continue to proliferate chemical, biological, and nuclear technology, and the delivery systems for them to rogue states, they have added Libya as one of their customers, as recently as this March 2000.

But even if we could ignore the serious repression and the dangerous proliferation of weapons of mass destruction, there is serious reason to reject this proposal on the basis of trade alone. Mr. Chairman, China has never honored any of its trade agreements with the United States, including its agreements for market access over the last 20 years; over and over again agreements on stopping the violation of intellectual property, and the piracy continues; and stopping prison labor exports from coming into the United States.

Indeed, the U.S. International Trade Commission said in their own analysis, projecting the China deal will result in the loss of 872,000 American jobs over the next decade. On the basis of trade alone, I urge my colleagues to vote against this resolution.

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

Mr. Chairman, our economic relationship with Communist China has been a disaster for the United States of America, a disaster; and it is in the making and we can see it coming, though we have people trying to prevent the American people from understanding the significance of what has been going on for these last 10 years.

Economically we have had year after year after year of a massive trade surplus with Communist China. What does that mean for the people of the United States? We are just going to laugh that off, where they have a trade surplus? They allow us to import all of their goods while they put restrictions on our goods?

In terms of our national security, they have used that trade surplus, which will be $80 billion this year, to build up their military. And who do we think is being threatened by this military buildup of the Communist Chinese? They now have the capability of murdering millions of Americans with nuclear weapons that they did not have the capability for 10 years ago, based on our technology and our money. I consider that a disastrous policy.

And morally, morally, has this worked in our benefit to have this relationship, which people now want to make permanent? That is what this is about, making a disastrous relationship with Communist China permanent. What has it done morally? Today, the Democratic movement in China, which used to be healthy, has been smashed. Religious believers are being persecuted, even to the point where people who believe in meditation and yoga are being thrown into prison by the thousands.

In Tibet, the genocide goes on. The Communist Chinese could drop an atomic bomb on Tibet and murder millions of people, and our business community would still be up here saying, well, how are we going to cut off progress by trying to confront them with this. No, we have to maintain our engagement.

PNTR basically says that we are going to make permanent the relationship that we have had for the last 10 years with Communist China. Freeze it. We are going to freeze it. Now, my colleagues may say, oh, no, that is wrong; they are going to bring down their unfair tariffs that they have had. No, I am afraid not. What will happen is, these tariffs, which have been disproportionate, monstrously disproportionate, will be brought down a little. They will still have a huge tariff disparity between the United States and China.

In other words, they will continue flooding our market with their goods, but what will happen? If we have a dispute with them in the future, if we pass PNTR, we have taken all of our bullets out of our gun to enforce our decisions. We are giving it to the World Trade Organization. Instead of being able to enforce our agreements with China, which we have not been able to enforce before, and they have broken their agreements with us, we are going to rely on panels and commissions of the World Trade Organization.

We have been told that if we engage with China, that we will liberalize China. We will make them more like us. They will become more Democratic.

□ 1700

It has gone the opposite direction. We have been dealing with gangsters, and right now we are talking about putting gangsters into the chamber of commerce. What makes my colleagues think that dealing with a gangster is going to do anything but corrupt their people rather than making them any better?

The debate is not about isolating China. Do not let anybody fool us. This is not about isolating China. It is not about severing our relations with China. My colleagues will hear that over and over and over again in this debate. That is a ruse. It is not true. It is trying to get us off what this debate is really about.

What are we going to achieve by this decision today on permanent normal trade relations with China? What we are talking about is continuing to allow our big businessmen to massively invest in China with government guarantees to the Export-Import Bank and subsidized loans and guaranteed loans. That is the bottom line. That is what is pushing this.

We have people closing factories in the United States and opening them up to use slave labor in China, and they want the taxpayers to guarantee that. They do not care about morality. They do not care about human rights. This is a joke.

Even with the proposal of the gentleman from Michigan (Mr. LEVIN), we are taking away our ability to enforce any type of human rights standards that we have been trying to push on Communist China. And they know it. They know that we are taking away our rights even to discuss it on the floor of the House every year, which has been one of the only things that have held them back. And even with that type of control or, at least, influence on them, they have gone in the opposite direction.

Let me close by saying this: I realize people who believe on the other side of this are sincere; they believe they are trying to better the prospects for peace in this world and better the prospects for freedom, which I think is nonsense. We do not treat tyrants that way. But we have tried this before. The world has tried this before.

We remember Neville Chamberlain as the man who gave away Czechoslovakia to Hitler and Munich, but we do not remember what Neville Chamberlain did in the years prior to Munich when Hitler had taken over Nazi Germany. Neville Chamberlain led up to Munich by creating an economic task force designed to invest in Germany so that the Germans would have so many economic ties they would never think of violating the peace. It reads almost verbatim the argument that we are getting today.

We do not make a liberal by hugging a Nazi. We do not treat gangsters as if they are democrats and expect them to be democratic people. No. We must stand together with the people in China who long for freedom and justice, and we will not do that by kowtowing to these dictators in Beijing and giving them what they want.

Do not give me this, the hardliners do not want us to give them this. The hardliners want to continue to have the type of trade surpluses that they have had and want us to have to only rely on the WTO if they break their word to us.

This whole idea of permanent normal trade relations with China is against the interest of the people of the United

States, against our moral position, and has undermined our national security as we wake up to find that we have built a monster that is capable, with the weapons systems and technologies that we have provided them, of killing millions of Americans.

I call on my colleagues to oppose normal trade relations with this monstrous regime in Communist China.

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

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

Mr. Chairman, I respect the passion that my distinguished colleague, the gentleman from California (Mr. ROHRABACHER), has. But I would remind him that he should go back to reexamining what his former governor, Ronald Reagan, did with regard to our Caribbean neighbors when the Caribbean neighbors were subject to the possibility of communist expansion and tyranny and Ronald Reagan initiated the Caribbean Basin Initiative, which was to make that economic outreach in hopes that economic improvement would lead them down the path to democratic institutions. It was a marvelous program, and it worked superbly well.

I would remind my distinguished colleague, too, that we have the missile capability to kill millions of Chinese people; and we do not want that to happen and we do not want China to consider using their capabilities against us, either. The best way we move down the path of guaranteeing that these things do not happen is establishing those better relations.

I would suggest to my colleague from California, talk to Dr. Billy Graham about it. His son has been doing missionary activity over there for several years and has distributed literally millions of Bibles in mainland China over the past several years, and they are actually printing their Bibles in the mainland right now.

So we have a chance to exert that personal contact and move it in a constructive direction.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota (Mr. RAMSTAD) to elaborate a little further on this issue.

Mr. RAMSTAD. Mr. Chairman, I thank my chairman for yielding me the time and for his strong, effective leadership on this historic issue.

Mr. Chairman, it is a great day in Congress when we can do something this positive for the American people. It is a great day in Congress when we can work together, both sides of the aisle, Democrats, Republicans, and independents alike, in a bipartisan, pragmatic, and common sense way on something so important to America's future.

My governor, Jesse Ventura, is not one to mince words; and he talks plain talk. When I invited him to testify before the Committee on Ways and Means on this important issue, he put it like this: he said, ''This will be one of the most important votes of the century in Congress. And by passing permanent normal trade relations with China, Congress will be doing more to expand our economy and create jobs than anything else we could possibly do.''

Mr. Chairman, the governor of Minnesota got it right. I just hope we get it right.

Under the terms of the agreement, China's tariffs will fall from an average tariff of 25 percent to 9 percent. That is what it means to knock down trade barriers so that we can export more goods, expand our economy, and create more jobs.

As cultural tariffs will fall from an average of 32 percent, it is no wonder our farmers cannot sell grain to China, fall from an average of 32 percent to 15 percent by the year 2004.

Well, what do these tariff reductions mean? They mean that members of Minnesota's Medical Alley, America's Medical Alley, from big companies like Medtronic to small manufacturers like American Medical Supplies can improve and save and better Chinese lives. It means Minnesota's companies, America's companies, like Cargill, Pillsbury, General Mills, Jennie-O, Hormel, and others can sell more food and other products in China.

That means that efficient Minnesota farmers, America's farmers, corn growers, pork producers, soy bean farmers can export more food to the growing population in China. Mr. Chairman, the bottom line, it means a better quality of life for the Chinese people and a better quality of life for the American people.

What some critics do not understand is that trade is not a zero-sum game; it is a win-win for both economies, for both countries. It means Minnesota's jobs, America's jobs will continue to grow, our economy can expand, good jobs.

So I urge our colleagues to support this historic, momentous, critical issue. Vote ''yes'' on permanent normal trade relations with China.

Mr. LEVIN. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. LAFALCE).

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

Mr. LAFALCE. Mr. Chairman, on January 1, 1979, I was one of the representatives of the United States and President Carter at the ceremonies in Beijing reestablishing normal relations with China.

Last week, I chatted with President Carter; and we reminisced about what had happened in the 2 decades in between. We share virtually identical views.

Twenty years ago, China was a closed society, virtually no phones, no newspapers, no access to the outside world, no private enterprise, no relations with citizens of the United States, no hope, and no future. And today that has changed, in large part because we have had normal relations with China, because we engage China.

Today, China has gone from virtually no phones to about 130 million phones. They talk about freedom of speech. That is what phones, especially digital cell phones, help facilitate.

Today, China has gone from virtually no newspapers whatsoever to millions of users of the Internet, the greatest democratizing tool the world has every known, for it opens people to news, to ideas from every corner of the world. That is progress.

In fact, President Carter and I shared the thought that China, despite all its still existing problems, has probably advanced the human condition more in the past 20 years than any other nation in history.

But let us turn to this agreement. It should be a no-brainer. We give no tariff reductions or additional market entry whatsoever. They lower their tariffs drastically and open their markets. That is a clear winner for our exports.

Last week we negotiated the strongest anti-surge controls ever legislated. We can now stop surges of Chinese exports. We could not before. That is a winner.

This is a historic vote. We can draw a circle that either includes China or excludes China, almost one quarter of the people of the planet Earth. We can maximize our influence or decimate our influence. The choice is ours. History demands a ''yes'' vote.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Chairman, I thank my friend and my colleague from Wisconsin (Mr. KLECZKA) for yielding me the time.

Mr. Chairman, I am opposed to granting permanent normal trade relations to China. We cannot reward China with PNTR while she continues to violate the human rights of her people. We are sending the wrong message to the rest of the world. The spirit of history is upon us, and we must be guided by the spirit of history to do the right thing. Granting PNTR allows China to continue the terrible abuses without any consequences.

I ask my colleagues, how much are we prepared to pay? Are we prepared to sell our souls? Are we prepared to betray our conscience? Are we prepared to deny our shared values of freedom, justice, and democracy?

Where is the freedom of speech? Where is the freedom of worship? Where is the freedom of assembly? Where is the freedom to organize? Where is the freedom to protest? Where is the freedom? It is not in China.

Can we forget Tiananmen Square, 11 years ago, June 4, 1989? We cannot forget, and we must not forget.

Some of us have worked too long and too hard for civil rights and human rights here at home and other places in the world not to stand up for human rights in China.

Mr. Chairman, I believe in trade, free and fair trade. But I do not believe in

trade at any price. And the price of granting PNTR for China is much too high. It is a price we should not be prepared to pay.

So, Mr. Chairman, I urge all of my colleagues to oppose normal trade relations for China.

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

Mr. Chairman, let me just say that we heard about reference to Ronald Reagan and China. I worked with President Reagan on some of the speeches that he gave when he went to China; and we should not forget that, during Ronald Reagan's time, Ronald Reagan strategized in order to develop a democratic movement in China, which, after Ronald Reagan left office, was smashed, yes. But during Ronald Reagan's time, when he supported expanding our relationship with China, he also supported and was very active in making sure that there was a democratic movement.

That was a force within China. Now that that has been destroyed by the Communist Chinese Government, there is no excuse for continuing those same strategies.

When it came to the Soviet Union, Ronald Reagan made himself very clear; we never provided anything like that. He tried to undermine the economic strength of the Soviet Union to bring about peace and democratization. That is what worked, because there was not a democracy movement in the Soviet Union.

Let us read history, and let us learn from it. What we have now is we are going in the opposite direction.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we talk about checks and balances. What kind of checks and balances will we have on China if they get permanent trade status?

We have been reviewing them once a year and, because of that, they know that once a year we are going to vote on it and we can withdraw that favorable status that they have.

□ 1715

They have 35 to 40 percent of our market. Thirty-five to 40 percent of their exports come to the United States. They are not going to cut off their nose to spite their face if we do not go along with them on this permanent trade status today. It means too much to them.

What I want Members to do right now is to look back and see what has happened in China just recently and what they have been doing. They stole our nuclear secrets. They were involved in espionage at Los Alamos and Livermore Laboratories and they now have the ability to kill 50 million people in this country with one missile on a mobile launch vehicle with 10 W–88 warheads. They did not have that before. This just happened recently.

Do my colleagues remember Tiananmen Square? I think the gentleman from Georgia (Mr. LEWIS) cited that very thoroughly and very well. There are 10 million people in slave labor camps making tennis shoes and other things for nothing but a bowl of gruel a day. And we talk about human rights.

They are taking people who are alive in prisons and if you or I want a kidney and we are willing to go to China, for 30 to $35,000 they will take that person and they will kill him today, they will extricate their kidney, take it out of them, and they will immediately transplant it into you if you need it. If you have the money, you can go to China and get it. They will make a match, they will check your blood type and immediately you will get a kidney out of a live human being, guaranteed fresh. That goes on today.

They have tried to influence our political process. We know that Liu Chao Ying met with Johnny Chung in Hong Kong and the head of the People's Liberation Army intelligence service, comparable to our CIA or DIA, Mr. Ji, came in and said, we like your President, we want to see him reelected and he gave $300,000 to them.

Millions of dollars came in from that part of the world to try to influence our elections. Does that sound like they want to work with us? They now control or will control both ends of the Panama Canal. Li Ka Shing who is tied in with the People's Liberation Army and the Communist hierarchy in China now has ports at both ends of the Panama Canal and in the not too distant future they will be able to stop us from using it.

Today we just found out the other canal in the world, the Suez Canal that is so important to all of us and to transportation of commerce, they now have the same organization headed by Li Ka Shing and the People's Liberation Army, they are going to have Port Said on the Suez Canal. They are moving around the world pieces of influence like chess pieces and they are going to checkmate us if we are not very careful and we are giving them the money and the influence to do it.

Their trade surplus with us was $68 billion last year; and I submit if we pass this, it is going to be greater. Once American commerce goes over there and finds they can get labor for 50 cents an hour or less, you think they are going to want to pull out, especially if the human rights problems get worse and worse over there or they start trying to block our shipping if we do not do what they want? Of course not.

We are getting pressure today by many business interests. What do you think it is going to be like when they start moving their plants over there and paying slave wages to people over there to produce goods and services? They are going to go along with whatever it takes because it means the almighty dollar. They are going to make money. All I can say to my colleagues is there are a million reasons not to approve this and only one to approve it. I submit that we should not approve it.

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

I would like to remind my distinguished colleague from Indiana that there is nothing about this action we are about to take that is irrevocable by any future Congress. Permanent trade relations can be granted today and taken away tomorrow. This is an action that Congress can take any time that it is so inclined to do so. I would like to remind my colleague, too, that he made reference to the fact of the $68 billion trade deficit we have with China.

If you lock yourself out of the Chinese market, how do you plan to address that? What the existing relationship does is guarantee that we do not have access to their market. Permanent normal trade relations with China gives us access to their market as they have access to our market at this time.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, real briefly let me just ask the gentleman this. Does he really believe after American industry invests plant and equipment and money over there that they are going to allow us to withdraw permanent trade status?

Mr. CRANE. If I can reclaim my time, they have already invested.

Mr. BURTON of Indiana. But there will be more.

Mr. CRANE. I have the headquarters of Motorola in my district. Motorola has a plant they have had in Shanghai for some time. I was over there. I had the opportunity to visit with the head of the Motorola plant in Shanghai. He made reference to the fact that in their plant, they provide the employees clean working conditions, they provide overtime pay for more than a 40-hour workweek, they provide health care benefits to their employees.

And I said, gee, did you bring that all over from the United States and they said, no, those are the guidelines of the Chinese government to foreign companies doing business there. I thought about it for a moment because there were some grungy Chinese factories in Shanghai that I had seen when I was walking around neighborhoods. And I thought about it for a moment, that if the gentleman from Indiana is working in a grungy Chinese factory and I am working for Motorola and we are having our Tsingtaos together at the end of a long workday and the gentleman is moaning about the grungy working conditions and no overtime pay and no health care benefits, it is only logical that I am going to say, hey, why do you work there? Come work for Motorola.

Ben Franklin made the observation, a good example is the best sermon. We provide that good example and the best

sermon. It is something that has an effect that goes beyond just the parochial interests of that company.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I thank the gentleman for yielding me this time. Twenty-three years ago I was 19 years old and I was peddling a bike around in Taiwan. I was sent there as a missionary for the Mormon church. One of my responsibilities was to go around and knock on people's doors to try to spread the gospel of Jesus Christ.

It is interesting, this Friday I will be going back to Taiwan a lot less humble and lowly than I was 22 years ago. I will be meeting with the newly elected President, President Chen Shui-bian, who by the way is a strong advocate of permanent normal trade relations between China and the United States. I made these comments because I remember in the 1970s when I lived in Taiwan. We have had some examples of history.

Let me tell my colleagues about the history of Taiwan. I know. I lived there. I speak the language. I know the people. In the 1970s, Taiwan was anything but the free democracy we see today. We just saw with this recent election, a free and democratic election in Taiwan, the second of its kind in 5,000 years. But it was not always that way.

In fact, Taiwan had a very oppressive governmental regime. There was not freedom of speech. There was not freedom of the press. In fact, I remember talking with an individual in the park one day, he was being critical of the government, we never saw him again; and we were told that he went to prison. The fact is Taiwan was not a free society. But they engaged with the West, they adopted economic reforms. If we can use history, let us use the history of that region.

The fact is, they adopted market reforms as China has and they moved to political reforms which go hand in hand with market reforms. I know we want changes now; we want them immediately. Let me tell my colleagues about the people, the Chinese employees of American companies who were in my office last week and talked about their conversion to Christianity and the conversions were made while they worked at American companies.

In talking to their American counterparts who were Christians, they got an opportunity to believe. One of the Chinese employees talked to me about how she joined a house church 2 years ago, five people in that church, now over 200. She told me the fact that in 1994, China allowed to be printed 400,000 Bibles into the Chinese language. The number this year is 4 million. The fact is there are good changes. No, they are not perfect but there are good changes happening. Let us not abandon these people. Let us maintain our skeptical nature with the Chinese government and the oppressive regime, but let us not abandon the American people just to salve our own consciences.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership in this issue. The world's most important relationship over the next 20 years will be between the United States, the world's greatest military power and economic power, and China, the world's oldest culture and largest population. The change in China since Nixon began diplomatic and economic engagement has been nothing short of phenomenal.

The forces of change and reform will win out sooner if the United States is engaged than if we play into the hands and forces of repression. Isolation simply does not work. In South Africa, it took all of the world's developed powers coalesced against a relatively small country to change apartheid.

The rest of the world does not agree with us on China. We cannot even force change in Cuba, a tiny country with an aging dictator and a population about the size of Michigan. The United States could accelerate change in China, and that will not just have significant benefits for our businesses, it will also benefit the environment. But that takes modern technology and investment, services that the Chinese need that we are good at and that will improve their environment while it provides us with economic opportunities.

Over half a century ago, the Marshall Plan invested not just in our devastated allies but in our defeated enemies in Europe. The Russians, however, denied us a partnership in Eastern Europe because they knew it would hasten the emergence of democracies and free enterprise.

Today, after having spent trillions of American tax dollars to win the Cold War, we have an opportunity to accept an offer from the forces of Chinese reform. Approval of normal trade relations will not change China overnight. We will have to remain vigilant to make sure we use every tool we have to make sure the Chinese adhere to the agreement, but it will give us firmer footing in the Chinese economy, it will give us beachheads and inroads of the type that so terrified Stalin and continue to terrify the Chinese dictators. A vote for permanent normal trade relations will hasten human rights, environmental protection and a stronger economy in China and the United States.

Mr. KLECZKA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong opposition to granting permanent normal trade relations with China. China should not be rewarded for its domestic and international record of abuses of workers, religious leaders and democracy activists, nor for its repeated abrogations of international treaties.

An annual review of this Nation's trade status as opposed to permanent certification such as this bill would provide is a critical means by which China and other nations can be held accountable for their actions. We need to do this since as The New York Times noted today, China is not known for its strict adherence to trade agreements. In fact, it is known for exactly the opposite.

Granting permanent normal trade relations with China as well as the country's accession to the WTO represent another missed opportunity to incorporate strong protections for human rights, worker rights, and environmental rights in trade agreements. I agree that expanded trade under the right terms can raise standards of living for all; but I will continue to fight for fair agreements that ensure that standards to protect the environment, workers, and human rights are not compromised in the process.

Unfortunately, granting PNTR will only exacerbate the race to the bottom where corporations can circle the globe looking for and pressuring for the lowest standards, setting up low-wage sweatshops, dumping their pollution, and creating unsafe conditions for the public.

This race to the bottom pus countries with higher standards at a disadvantage and makes new environmental and workers protections harder to enact.

Most supporters of PNTR and WTO acceptance for China admit that China continues to be a rogue nation.

Even the Clinton Administration's own briefing book in favor of PNTR for China says: ''China denies or curtails basic freedoms, including freedom of speech, association, and religion.''

But proponents argue that economic engagement will ultimately result in a more democratic system there. I disagree.

China's pattern of violating the rights of its own people has continued despite the increased economic ties of most favored nation status that Congress has granted year after year.

The State Department's most recent Annual Country Report of Human Rights report states that China's human record has ''deteriorated markedly throughout the year as the government intensified efforts to suppress dissent.''

The first report of the congressionally chartered United States Commission on International Religious Freedom noted that ''Chinese government violations of religious freedom increased markedly during the past year.'' The Commission recommended against Congress granting PNTR until China makes demonstrated and substantial progress in respect for religious freedom.

The National Labor Committee issued a report on May 10 that gives a picture of the unacceptable working conditions that flourish inside many factories in China making goods for US companies like Wal-Mart, Nike and Huffy.

The NLC found factories making goods for American companies where workers were being held under conditions of indentured servitude, forced to work 12 to 14 hours a day, seven days a week, with only one day off a month, while earning an average wage of 3 cents an hour.

Even after months of work, 46 percent of the workers surveyed earned nothing at all-in fact they owed money to the company. The workers were allowed out of the factory for just an hour and a half a day. And when the workers protested being forced to work from 7:30 a.m. to 11:00 p.m., seven days a week, for literally pennies an hour, 800 workers were fired.

There is no credible reason to believe that conditions like these will be improved by giving up our right to review to China's trade status. The U.S. bilateral negotiating position with China would be crippled if the country were granted PNTR and admitted to the WTO. Our large trade deficit with China, expected to be over $60 billion this year, potentially gives the U.S. significant bargaining power to enforce and strengthen our existing trade laws. But this bargaining power would be further limited by the WTO.

Some have argued that parallel legislation or a side agreement will remedy the problems I have discussed. But, we have been down that side agreement road before and it is not pretty. It is filled with the raw sewage and other environmental destruction that lines the border with Mexico under the NAFTA side agreement.

Finally, China's history of failing to comply with trade agreements leads me to view new agreements with a skeptical eye.

China has broken nearly every agreement—from market access to prison labor to intellectual property rights—it has made with the United States. For example, in 1992 and 1994, China signed agreements that it would not export products made by slave labor to the US and would allow visits of US officials to any suspected site.

But, the State Department's Human Rights Report specifically finds that: "in all cases [of forced labor identified by US customs], the [Chinese] Ministry of Justice refused the request, ignored it, or simply denied it without further elaboration.

This is not a record worthy of further trust.

I believe that China should be held accountable for its widespread abuses. Granting China special status as a trading partner is the wrong way to accomplish that goal. I urge my Colleagues to join me in opposition to PNTR for China.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT) who is one of the few Ph.D.s and scientists we have with us here in the United States Congress.

Mr. BARTLETT of Maryland. I thank the gentleman for yielding time.

Mr. Chairman, when I came here several years ago, I bought the argument that if we engage with China that they would change and so I voted for most-favored-nation trading status.

Well, China did change. They got worse. Our own State Department says that their already poor human rights record deteriorated markedly throughout the last year as the government intensified efforts to suppress dissent, particularly organized dissent. Documented human rights abuses include extrajudicial killings, torture and mistreatment of prisoners, forced detentions, arbitrary arrest and detention, lengthy incommunicado detention and denial of due process.

They continue to steal our intellectual property rights as they ignore copyrights and patents. Slave labor goes on, perhaps intensified. I am particularly concerned about the theft of technology. They have stolen our missile secrets. They have stolen our bomb secrets. Contrary to our Constitution and in violation of our laws, they sought to and perhaps were successful in buying the last presidential election. They threatened to nuke us if we object to their intentions with Taiwan. It is simplistic and naive to believe that either the PNTR or membership in WTO will move China toward international development, as President Clinton says, in the right direction.

□ 1730

Certainly what they are going to do is what every major power does; they are going to do what is in their own best interests, advancing their own strategic interests.

Finally, I am particularly concerned about the effect of this on our national security. Last year we had a $68 billion trade deficit. This is money which they could and did use to arm themselves. Those arms may very well be used against our people.

For two very good reasons, a no vote is the right vote. First of all, we need to send the message that this is unacceptable international behavior; secondly, it is really not very bright to arm your enemy.

Mr. CRANE. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. KOLBE).

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

Mr. Chairman, this evening we are beginning what I believe is a very historic debate in this body. I know that is sometimes an overworked word; but I think one has to go back to the last century, to the early part of the last century, and look at the vote and debate on the League of Nations, or the middle of the century to look at the debate on lend-lease, or towards the end of the century to look at the debate on Desert Storm, to find issues and foreign policy that really were pivotal to the future of this country.

I say pivotal to the future of this country, because I believe, as important as the issues about trade and human rights and economic advantages are, this issue is not really about China, it is about America. As we embark on this century and this new millennium, the United States has to decide what role it is going to play in the world. There is this much discussed ''death of distance'' that we hear about today, but it is real. State-of-the-art telecommunications systems have brought about a global village. Now people from every corner of the planet are only a phone call, a satellite hookup, an e-mail away from each other. But in the wrong hands, technology has the potential to do great harm. As weapons of mass destruction continue to proliferate, every nation now faces the prospect of nuclear, chemical, or biological attacks from a rogue state that is just a half world away, or a terrorist group that has no fixed location.

Confusion could reign in a world with such promise and peril. But that does not have to be the case, if America maintains its position of world leadership. Throughout this last century, we set the example for the world. Our vision helped to bring to this planet an unprecedented era of peace and prosperity at its end.

International trade has connected our world's economies as never before and has made our people more dependent upon each other. This interconnectedness gives every nation a giant incentive to keep the peace. It has worked in the past, just look at how far we have come; and it will work in the future, if the United States continues to lead.

Mr. Chairman, America cannot maintain its leadership role by refusing to trade with the world's largest economy. PNTR is in our economic self-interest, there can be no doubt about that, but it is also vital for peace and freedom throughout the world. If we choose to abdicate our leadership, the consequences are dire.

Will America continue to show through the power of its example that representative government and free trade lead to stability, peace, and prosperity? That is the real issue we are dealing with today.

I believe America has a mission. It is our duty to show that freedom works, and that is why I support PNTR; and I urge my colleagues to do the same.

Mr. LEVIN. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the very distinguished senior Member and expert on security issues.

Mr. SKELTON. Mr. Chairman, I urge my colleagues to support permanent normal trade relations for China. I will vote in favor of it, not only because of the benefits that American farmers and businesses stand to gain in terms of increased trade, which are substantial, but also because of the impact approval of PNTR will have for U.S. national security and stability in Asia.

A solid trade relationship with China with its huge potential markets is important to Missouri. In 1998, China was Missouri's sixth most important export market, and the United States' fourth largest trading partner. From 1991 to 1998, U.S. exports to China more than doubled. The agreement that the administration reached with China last November concerning China's accession to the World Trade Organization commits China to eliminate export

subsidies and lower tariffs dramatically, reduce its farm supports, and play by the same trade rules as we do.

Further concessions recently gained by the European Union would increase the benefits, as the agreement would apply to all parties to the World Trade Organization.

Congressional approval of PNTR also has implications for U.S. national security. Early this year, I led a small House Committee on Armed Services delegation on a trip to the Asia Pacific region. Although we did not visit China, we found in our meetings with officials how much they told us the value of America's presence and engagement to the region is important.

The state of U.S.-China relations is critical to the future stability, prosperity, and peace in Asia. Encouraging China to participate in global economic institutions is in our interests because it will bring China under a system of global trade rules and draw it into the world community. It is in our long-term interests to develop a relationship with China that is stable and predictable. China will enter the World Trade Organization based upon the votes of all 135 WTO members.

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

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

The President and the Republican leaders and Wall Street say this agreement is about jobs. Well, it is about jobs, job gains in China, and lost jobs for American workers. We are running a 60 billion trade deficit with China, and the President's own analysts, in looking at this agreement, the International Trade Commission, say it will reach a $120 billion deficit in 10 years under this agreement, if they live up to it. That is if they live up to the agreement.

Does anyone really believe that the Chinese workers at 20 cents an hour constitute a huge market for U.S. goods? No. They represent a huge pool of cheap, oppressed labor that U.S. firms hope to better exploit under this agreement. It is about U.S. capital fleeing to China, manufacturing fleeing to China, to exploit cheap labor.

They say it is about trust, this agreement is about trust. The Chinese have broken every trade agreement they have ever signed with the United States of America. They are violating them today, the 1979, the 1992, the 1994, the 1996.

They are saying, oh, they are going to lower tariff barriers. Guess what? The Chinese do not use tariffs to keep our goods out. They have a host of nontariff barriers that are constantly mutating, unwritten rules to keep out U.S. goods, and, guess what? Their leaders have gone on the radio and in the press and television and told their people not to worry, they can and will maintain those barriers against U.S. manufacturers under this agreement. They have given up nothing but beautiful words. That is the statement of their own chief negotiator.

It is about trust. It is about broken trust. They have broken it again and again, and now we are saying, ''Oh, we trust them this time.''

It is about the environment. There is not one word, not one word, in this agreement about the environment. The Chinese are the greatest producers of ozone-depleting chemicals in the world. Not one word. The Chinese are the greatest producers of global warming gases. Not one word. The Chinese are the greatest violators of the CITES Agreement. The last Siberian tiger, the last Asian rhinoceros, will die to go into their medicines. Not one word in this agreement.

No to so-called permanent normal trade relations for a nation that does not act normally.

Mr. ROHRABACHER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF). There has been no stronger voice for human rights in this body than this gentleman.

Mr. WOLF. Mr. Chairman, I am a free trader. I voted for NAFTA. I was one of the 30 Republicans that voted to bomb Kosovo, so I am kind of tired with the argument with regard to isolationists.

What about the eight Catholic bishops, and now we know from the CIA briefing there are more? What about the 50 evangelical house pastors that are in jail? What about the over 400 Buddhist monks and nuns that have been persecuted and are suffering in that dirty jail in Lasa? What about the Muslims that are being persecuted in the northwest portion of the country? What about the fact that there are more slave labor camps in China today than there were in the Soviet Union when Solzhenitsyn wrote the book Gulag Archipelago? What about the 500 women a day in China that commit suicide, 56 percent of all the women in the world that commit suicide, because of forced abortions and their population policies? What about the organ program, where they will kill people to sell the organs?

I ask our side, and our side is forgetting the legacy of Ronald Reagan, I ask our side, I wrote our side seven letters, get the CIA briefing; go find out who they are selling the weapons to. Only 45 Members took the time to get the briefing, and yet every major defense organization and veterans group came out against this: The VFW, the American Legion, the Purple Heart.

What about the missiles directed against the United States? What about the Cruise missiles they just purchased from China? What about the assault weapons they put into this country? What about it?

If this Congress, a Republican Congress, votes to give MFN, we will be on the wrong side of the American people, and we will be on the wrong side of history, and we, those who vote this way, if this PNTR passes, will have the same feelings that Chamberlain had when he returned from Nazi Germany and said, ''We have peace in our times, go home and get a good sleep,'' and then the bombs began.

Vote no and give it an opportunity. For the handful of undecideds that have not made a decision, how will you feel about this vote 5 and 10 and 15 years from now? How will you feel about it if after this vote takes and they invade Taiwan and American men and women are killed?

Vote no tomorrow when you are given a chance.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I commend my colleague from Illinois, the chairman of the Subcommittee on Trade, for his leadership on this historic moment here as we debate the issue of trade with China.

Some have stood here in this well, and more will, saying we should vote no as a sign of moral superiority over the Chinese. Some will say we should vote no because they dislike the political views of the Chinese leadership, and some will vote no because they say that we should close the door, essentially build a trade wall around China.

Well, what this is all about is whether or not we as Americans want to engage in trade and sell our products to the world's most populous nation, a nation of 1.3 billion people. We are going to be casting the vote, not whether or not we want to sell our products made in States like my home State of Illinois, or other States in our Nation to, 1.3 billion people. And who gets hurt if we say no? Clearly those involved in manufacturing products, those who are involved in creating new technologies, as well as those who provide food and fiber.

I am proud to say that my State of Illinois leads in all three areas as a major exporting State. Illinois ranks third in exports in technology, Illinois ranks third in exports in agricultural products, and Illinois ranks at the top in manufacturing exports. China is a tremendous market.

Think about it. The new economy, technology today, the average wage for our technology jobs in Illinois are 77 percent higher than traditional business sector jobs. China now has the potential, because of its huge population and the desire by the average Chinese to go online and have a computer at home, China next year has the potential not only to be the second largest PC market for personal computers on the globe, but also the second largest market for semiconductors.

Ronald Reagan won the Cold War and brought down the Berlin Wall and brought freedom into the former Soviet Union because of the television and the fax machine, and, of course, his leadership. Today we have the opportunity, because of the Internet, to expand our values of freedom. Let us vote aye on permanent normal trade relations with China.

Mr. LEVIN. Mr. Chairman, I yield 3 minutes and 10 seconds 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 Michigan for yielding me time.

Mr. Chairman, we are here today to begin debate on the most important piece of legislation pending before this Congress in this session, and probably for many years to come, whether to grant PNTR to China and pave the way for their entry into the World Trade Organization.

I am supportive of PNTR because I believe its passage is crucial to our long-term economic prosperity, as well as our strategic and national security interests in the 21st century. I also believe in what former Secretary of State Cordell Hull was famous for saying, and that is, ''When goods and products cross borders, armies do not.''

But I do not want to stand up here and oversell the merits of PNTR. I think the rhetoric on both sides has been overblown on this issue from time to time.

□ 1745

But I do believe that the passage is vitally important to our long-term relationship with the world's most populated nation. And I also believe that we are at the crossroads of our relationship with China. We can go one of two directions. We can either continue to isolate and demonize and pursue a failed trade policy, a policy that is failing our American workers and American farmers today, and even failing the people in China themselves; or we could pursue a new policy through enhanced trade and, through strategic engagement with China, offer what I view is the best hope for peace and prosperity and hopefully greater stability in this world for our children.

But there are more notable and expert people than I on China that have weighed in on this. Former President Jimmy Carter made this statement in regards to PNTR, ''When I became President, one of the greatest challenges that I had to face was whether I should normalize diplomatic relations with China. There is no doubt in my mind that a negative vote on this issue in Congress will be a serious setback and impediment for the further democratization, freedom and human rights in China.''

And perhaps the foremost human rights activist in China today, Martin Lee, had this to say in support of PNTR during a discussion that I personally had with him: ''in short bring China into the international forum and hold her to the agreement rather than exclude her. How can human rights improve by keeping China out? You punish the government, but you punish the people even more.''

In fact, Mr. Lee also talked about the power that the Internet provides by empowering the people within China with the free flow of information and ideas to make the changes that have to be made by them to improve human rights, labor conditions and hopefully for a free and democratic society.

Now, those on the other side opposing this, I think, do so for legitimate reasons: job security at home, concern about human rights and political freedoms abroad. I share these same concerns. I think we merely differ over the best strategy on how to achieve these very important objectives.

Mr. Chairman, I will vote yes for PNTR for many of the same reasons I vote for most of the issues in this Congress, through the eyes of my two little boys, Johnny who is going to be 4 in August and Matthew who is going to be 2 this Saturday. They both, God willing, will live through and see most if not all of the 21st century. That is why in my heart and with my conscience, I support PNTR. I do so because I believe this legislation today gives us our best opportunity to provide our children for tomorrow the most prosperous, stable, and peaceful world in which to live as they embark upon their marvelous journey through the 21st century.

So I urge my colleagues to support passage of PNTR tomorrow, if for nothing else, for the sake of the future of our children in the 21st century.

THE WTO AGREEMENT

This trade agreement with China is truly historic because it is one-sided. In October of 1999, the United States and China reached a trade agreement that drastically and unilaterally lowers China's trade tariffs to our manufactured goods and farm products. The United States did not lower a single tariff to Chinese goods. China made this agreement in an effort to gain America's support for its admission into the World Trade Organization (WTO). Along with our support for China's entry into the WTO, we must grant the same trade status as we do all other WTO member nations.

But let me be clear, this trade agreement will not make it any easier for China to export more products into our country. This agreement will not make it any easier for any company to close a plant here to relocate in China. This trade agreement will, however, make it easier for U.S. firms to sell products in Chinese markets.

AMERICAN TRADE

The United States is the world's largest exporter, selling over 26% more products abroad than our nearest competitor. International trade has been crucial in maintaining the longest economic expansion in American history. The jobs of millions of American workers and the growth of thousands of American businesses, large and small, are tied to global trading and the accessibility of worldwide markets.

WISCONSIN TRADE

Companies large and small in my home state of Wisconsin benefit from international trade. Companies like Accelerated Genetics in Westby, who have 215 employees and sell $20 million in annual sales, export over 45% of their total business. The Turkey Store in Barron County exports almost 20% of their turkey products. Ashley Furniture in Arcadia sells furniture in 96 different countries around the world. The Trane Company, which has gone so far as to merge its domestic and international administrative units into one unified worldwide operation, exports 30–40% of their total products. Trade is clearly a crucial part of these companies' business, and that is only the tip of the iceberg.

FARMERS AND TRADE

The fate of our farmers is also linked to continued exports in world markets. American farmers are the most efficient and productive farmers in the world. At the same time, the United States has less than 4% of the world population, while China has 20%. U.S. agriculture productivity is increasing, but domestic demand for its products is stagnant. We must be able to export more of our agricultural products to relieve the oversupply of products in our nation which is driving prices down.

The U.S. Dept. of Agriculture projects U.S. farm exports will increase by $2 billion annually by 2005 with passage of the China trade agreement. China has agreed to reduce dairy tariffs from 50% to 12% enabling west coast dairy producers to export more of their products. Those exports should relieve the supply pressure on our own domestic market which is suppressing commodity prices. If Congress fails to pass this legislation, U.S. farmers and other workers will lose out on a vast new market in an economy that has grown about 10% annually over the last 20 years.

MARTIN LEE

In my conversation with Martin Lee, he expressed to me his sincere belief that, given China's almost certain accession to the WTO, it is in the best interest of the Chinese people for Congress to approve PNTR. He believes a vote for PNTR will ensure that the United States remains a full partner in the world community's engagement with China, and will strengthen our position as a leader of reform. The status quo, he said, will have no effect on human rights in China, and in fact, may result in entrenching hard-line, anti-reform positions. Making it easier for U.S. products and services to reach Chinese markets will force the Chinese government to strengthen its legal system and respect the rule of law, which will only serve to protect the political, labor and civil rights of individuals in China. We emphasized that through the power of the Internet and the free flow of information and ideas that increased trade brings, faster progress can be made on human rights, labor conditions and eventually, a free and democratic China.

WORKER RIGHTS

Former United Auto Workers president, Leonard Woodcock, is also urging Congress to pass PNTR and support China's entry into the WTO. He argues that increased access to Chinese markets eventually will improve conditions for Chinese workers. ''American labor has a tremendous interest in China's trading on fair terms with the United States,'' Woodcock said. ''The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal.''

IMPORTANCE OF VOTE

We face an important decision in Congress, a decision that will shape our relationship with the world's most populous nation. If you support greater economic opportunities here at home, as well as the advancement of human rights and labor conditions in China, you

should support granting permanent normal trade relation status for China.

While I do not want to oversee the merits of this trade agreement. I refuse to support the current policy which is failing American workers and farmers, and in allowing repressive conditions to continue in China. I support passage of the China trade agreement because I believe it gives us the best hope for a more prosperous, safe and secure future for our children as we embark upon our marvelous journey into the 21st century.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, after all is said and done, this debate is all about two words, corporate greed. The largest multinational corporations in this country are spending tens of millions of dollars on campaign contributions, advertising, and lobbying for one major reason, they must prefer to hire desperate Chinese workers at 10 cents, 15 cents or 20 cents an hour than higher American workers at a living wage.

Why would they want to hire an American when they can employ Chinese women at 20 cents an hour and force them to work seven days a week, 12 hours a day and arrest them when they try to form a union? That is a good place for a large multinational corporation to do business.

Mr. Chairman, American workers today are working longer hours for lower wages than they were 25 years ago. We do not need to punish them further and by expanding the already huge trade deficit that we have with China and costs us hundreds of thousands of more jobs and push wages down lower in this country.

Mr. Chairman, this agreement is opposed by unions representing millions of American workers, by environmental organizations concerned about the fragility of this planet's environment, by religious groups such as the U.S. Conference of Catholic Bishops who are concerned about religious freedom and human rights, by veterans organizations, like the American Legion and the VFW who are concerned about the issues of national security.

Mr. Chairman, let us have the guts to stand up to the big money interests who are more concerned about their bottom line than the best interests of the American people. Let us vote no on this issue.

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

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

Mr. NEY. Mr. Chairman, this debate could not occur today in China without both sides being arrested, and this bill does not make a difference to change that. I am for engagement, but this bill engages the throats of the American workers. My colleagues talk about farmers and the great 9 percent tariff. Well, as soon as this bill passes, the currency is going to be manipulated, and it is going to vanish like that. It happened in NAFTA; it is going to vanish.

We want to talk about helping farmers, the gentleman from Washington (Mr. NETHERCUTT) has a bill, where is that bill? All of the sudden, we have to have sanctions and cannot engage countries. Do my colleagues know why the bill of the gentleman from Washington (Mr. NETHERCUTT) is not here on the floor? Because Wall Street does not want that bill. There is not enough money to be made, but Wall Street wants this bill. A few on Wall Street want this bill, not the entire American business community, but a few on Wall Street because they want to go over there, manufacture the products and sell them back here.

The U.S. Chamber says we are going to get jobs out of this? That is like saying that you are going to send Jesse James to bring in the Dalton brothers. We are not going to get a single job out of this. The American worker is on a treadmill; they are strangled. They can barely make it, and what is going to happen with this agreement is that Wall Street is going to take over. And it is not going to be Main Street; it is going to be Wall Street.

Mr. Chairman, I hope the undecided Members of this Congress realize they have a choice today to stand up for American workers. All we are asking for is a level playing field, not an advantage, just a level playing field. That is what this is about.

I hope the undecided Members, Mr. Chairman, realize that this is the most critical vote in 50-some years, if we want to support American workers, their families and their communities. We are not helping a single Chinese individual by this bill. All we are doing is ripping down the American work structure. Do not permanentize this. If this is forced to be renegotiated, let me tell my colleagues, the American worker will win. Vote no.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I would like to ask my colleagues today, whom are we rewarding in China by opening up China to our products and services? Clearly, we are awarding American workers and farmers who will be able to sell their products in China, but whom in China are we rewarding? Some opponents of PNTR seem to think that this arrangement would reward the government in Beijing which they believe is unworthy. Mr. Chairman, I lived in Hong Kong, and I have traveled extensively and repeatedly throughout Southeast Asia, including China; and I think that is the fundamentally wrong way to view this deal.

First of all, it assumes that the Chinese political leadership is a unified monolith of some sort. In fact, there are many factions in Chinese leadership, many factions in Beijing, tensions between Beijing and the provinces and fundamental world view differences between reformers in China who have initiated economic and political reform, who support engagement with the West, who have introduced the free enterprise system to a limited degree, and who encourage following the rule of law on the one hand, versus reactionary elements, in particular in the military, who would revert to the old ways of Mao Tse-type communism.

If anyone is being rewarded in China with a vote for permanent normal trade relations, it is the reformers who have been catalysts for change, for progress for the good. What have these reformists accomplished so far? I believe they have put China on a voyage in the direction towards freedom. There is a long way to go, but there has been substantial progress. President Bush himself said that the people of China enjoy much greater freedom today than when we lived in China, and that is the trend that we can be rewarding.

In China today, local villages are having democratic elections for municipal leaders. Millions of Chinese are practicing religions, including Christian religions. Workers can choose where they work for. Travel is open, including travel abroad, and almost half of economic output in China is now privately owned. Millions of Chinese citizens have access to the Internet, and there they have unlimited information and ideas, including ideas about personal freedom, political freedom, the rule of law, all of the values that we cherish.

A vote for permanent normal trade relations with China reinforces the reformers; it reinforces this trend. China has a long way to go, but I urge my colleagues to vote to help further empower the Chinese citizens to achieve the freedoms that we take for granted. Help the Chinese people on the beginning of this voyage towards freedom. Vote yes for permanent normal trade relations.

Mr. LEVIN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BENTSEN).

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

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

Let me tell my colleagues, I rise in strong support of this bill, and I want to speak to the opponents of this bill. I think it is important that we note that my colleagues' concerns are important, and I do not disagree with my colleagues' concerns when it comes to job loss through trade, and I do not disagree with the concerns with respect to human rights. My colleagues are right about the ailments; but they are wrong about the cause, and they are wrong about what prescription they would use to try and deal with this.

We cannot stop the world and get off, and we cannot go back to the 17th century, we cannot go back to mercantilism, because it does not work. We are a Nation of 4 percent of the world's population. We consume 20 percent of

the world's goods and services. The alternative to a bill like this that lowers tariffs against U.S. goods and services is to lift tariffs against imports coming into this country. That might work in the very short run, but it would fail miserably in the long run, and American workers would pay dearly for that, as would the American consumer.

Mr. Chairman, the best thing we can do is to adopt bills that open more markets to U.S. goods and services abroad and allow the American worker to compete on a level playing field where productivity, which we have the most productive workforce in the world, bar none, is the key factor. We cannot change the rules of economics in the modern world. Anything we try to do on this floor, it will not work.

Second of all, with respect to the fact that the Chinese have an authoritarian dictatorship, we understand that; but if the United States is to walk away from that, our trading partners throughout the rest of the world, the European Union, the other countries in Asia, are only too happy to pick up the slack and trade with them. This is not South Africa. This is not apartheid. This is much different than that. We do much better by engaging the Chinese than walking away. Not passing PNTR will not free one political prisoner, and it will probably stall a move towards decentralization of the Chinese economy, market liberalization and political liberalization.

Mr. Chairman, it would be a grave mistake not to pass this. The United States will be much better off in the long run, American workers and American consumers, and ultimately, the Chinese people as well.

Mr. Chairman, I ask my colleagues to support this bill.

Mr. Chairman, I rise in support of this legislation granting China permanent normal trade relations, or PNTR, as a part of a bilateral trade agreement between the United States and China. This agreement will allow for China's entry into the World Trade Organization and significantly reduce tariffs and other barriers to United States goods and services. This agreement is in the best interest of America, including our workers and businesses.

PNTR will accomplish much more for the United States than it will cost. The agreement reduces Chinese tariffs on United States exports to China, on average, by more than 50 percent. Currently U.S. exports are subject to tariffs of 25 percent on industrial products, 13 percent on information technology products, and nearly 32 percent on agricultural products. These tariffs price our goods out of the market. Conversely, since the United States market is virtually wide open, most Chinese goods are not subject to tariffs.

The United States-China Bilateral WTO Agreement lowers tariffs against United States exports but not against Chinese imports. Perhaps even more significant are the provisions in the agreement which require elimination of state subsidies and allow for United States exporters to conduct trade and distribution with private parties in China, rather than state-owned and controlled trading companies.

Take, for example, the United States petrochemical industry, which employs tens of thousands in Harris County and throughout Texas. The petrochemical industry is the most productive in the world, even though it pays comparatively higher wages and is subject to strict worker and environmental safety laws. While we lead the world in exports of petrochemical products, United States market share in China is almost nonexistent at $2 billion, or less than 5 percent. The elimination of state subsidies for domestic Chinese producers, along with a reduction in tariffs against United States exports, will allow United States producers to enjoy our comparative advantage and create jobs at home. This holds true for the huge Texas agriculture production market and oil fields services too.

This agreement also includes significant safeguards against unfair Chinese imports and failure by the Chinese to move toward market liberalization. Chinese imports will be subject to countervailing duties, or tariffs, for 12 years after entry into the WTO against import surges that threaten to disrupt United States markets, and for 15 years against imports ''dumped'' on the U.S. market as a result of predatory pricing actions. In some cases, this language is tougher than current law. And, I want to commend our colleagues, Mr. LEVIN and Mr. BEREUTER for their work in putting these provisions into law and lessening the discretion in their implementation.

The agreement also will open up the Chinese consumer market to United States telecommunication, automobile and financial services industries where we have been locked out. Imagine the power of the Internet to promote democracy in China, or the lack of power by the state to control free speech, thought and expression through the Internet.

We currently have a trade deficit with China due in large part to the fact our markets are open to their goods and China's markets are restricted to ours. Failing to pass PNTR will do nothing to reduce this trade deficit, and in fact, may make it worse. Alternatively, raising U.S. barriers to trade would fail in a trade war greatly at our own expense. A nation such as the United States which represents 4 percent of world population, but consumes 20 percent of the world's goods and services, cannot long prosper in a closed market. Only gaining greater access to other markets can the United States continue to grow and create jobs.

It is true that in some areas, cheap labor puts U.S. manufacturing at a disadvantage; but again, whether we pass PNTR or not will not alleviate the disadvantage. On balance, however, we know that trade creates more jobs than it costs, particularly in those industries where the United States is more productive. But we should also be concerned about those who lose their jobs due to trade.

My support for PNTR is conditioned on the establishment of a Presidential commission to look at our trade adjustment assistance programs and make recommendations to the Congress on how we might better provide workers with the tools to make the shift to other high-paying jobs. Tariffs and other barriers provide only a short-term remedy and should be reserved for punitive action, not as a long-term solution.

With respect to whether the United States should enter into such an agreement with China given its record on human rights, use of slave and child labor, and sometimes belligerent attitudes toward its neighbors and the United States, we must consider whether those of us who regret such actions can effectively change them through engagement or disengagement.

I believe walking away from China would be a failure which would free not a single political prisoner, would not ease tensions with Taiwan, and would only strengthen the resolve of those in the Chinese People's Liberation Army who oppose this agreement and any economic liberalization as well.

Furthermore, the Levin-Bereuter provision contained in this bill ensures that the United States will maintain public pressure on China's treatment of its own people and its labor policy. This Helsinki-style congressional commission will bring to light abuses, rather than allow them to foster in the shadows under disengagement.

The WTO bans child and slave labor, and the United States and other industrialized nations must remain vigilant to enforce sanctions against such practices in China and everywhere else in the world.

Greater economic ties not only benefit the United States, but will help bring social and political change in China. Few can deny that consumerism has changed the former Soviet bloc, Europe or even America, putting greater freedom in the hands of individuals. If the Congress fails to adopt PNTR and the United States walks away, change in China will happen less quickly and at our expense.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I am at the same podium, but this is a terrible deal. We have lost our moral compass. We really have. It is a bad deal for the United States, and it is certainly a bad deal for New Jersey and my district, the 8th Congressional District.

We are expected to lose, according to the government's own reports, over 22,000 jobs. We have been granting NTR each and every year for the past 20 years, and what have we seen? What has happened? Human rights, labor rights, environmental rights, national security interests have gotten worse year after year; and it has been documented. So with this vote, the downward spiral will continue to plummet.

Mr. Chairman, 875,000 jobs lost, sucked out of the economy. Not only has NTR been disastrous, but our increasing trade with China has done nothing to foster this so-called reform. Last week, the World Bank, over United States objections, agreed to provide $232 million in loans to the government of Iran against our wishes.

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The State Department stated that giving support to Iran will, quote, send the wrong signal, the State Department said, to their government. That government which is regressive, intolerant, non-Democratic, aggressive. Does that sound familiar?

The irony, of course, is that these are the same people in the State Department who are spending night and day trying to send the Chinese Government the wrong signal about PNTR. We need a no vote for America tomorrow.

Mr. ROHRABACHER. Mr. Chairman, I yield 4½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I rise in opposition to the legislation before us today authorizing the extension of nondiscriminatory treatment to the People's Republic of China. Congress should not give up the leverage we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China with regard to trade enforcement, with regard to violations of human rights, with regard to religious freedom, with regard to China's nuclear proliferation and other important issues.

These issues can and must be addressed before we approve the measure before us today. Yes, let us consider business with China in the days ahead, but first let us take a good, hard look at these violations. Extending normal trade relations to China on a permanent basis will send a powerful message determining China's role in the global economy and in the community of nations for years to come, but it is a message we can ill afford to send so long as there is no freedom of speech there, no freedom of association, and no freedom of religion in China.

Mr. Chairman, China's enormous trade deficit with us of some $70 billion has fueled its military build-up and has emboldened the dictators in Beijing to claim areas in the Philippines and other Democratic neighbors in the region. China's illegal occupation of Tibet and its brutal repression of the Tibetan people continues unabated.

We are told today by many of our colleagues that by giving permanent normal trade relations to the People's Republic of China we will be granting significant benefits to American business without giving anything away to China. I strongly disagree with that contention. I believe that supporting PNTR will give China something it desperately needs and wants, relief from the spotlight of its poor human rights record.

Under the current annual review arrangement, we in the Congress are able to open a door to fully examine the human rights situation in China each and every year.

I ask my colleagues, are Chinese human rights and labor practices important to us? I believe they are. I believe they are the most important in the world today. China has the world's largest population, one of the fastest growing economies. If China is allowed to trample on its individual freedoms, then how can we tell Indonesia or Malaysia or Nigeria or Sudan or any other nation that they cannot?

A recent joint report by the Council on Foreign Relations, the National Defense University, and the Institute for Defense Analysis on China Nuclear Weapons and Arms Control noted that the U.S. Government remains concerned about China's arms control performance, reporting that China has not brought its biological warfare activities into accord with its international treaty obligations; and its continued support to Pakistan's weapons program has been a source of mounting concern as well.

I submit to my colleagues, by granting PNTR to China we will be sacrificing much of our ability to affect public scrutiny on China's human rights practices.

I would also note that the recent report of the United States Commission on International Religious Freedom included a recommendation by all 9 commissioners that the Congress not grant PNTR to China until substantial improvements are made in respect for religious freedom in that country.

While the nine voting members of the U.S. Commission on International Religious Freedom include strong free trade proponents and who represent a wide diversity of opinion and religions, they are unanimous that China needs to take concrete steps to release all persons imprisoned for their religious beliefs, to ratify the International Covenant on Civil and Political Rights and to take other measures to improve respect for religious freedom.

Accordingly, Mr. Chairman, I urge our colleagues to oppose this measure.

Mr. Chairman, I rise in opposition to the legislation before us today authorizing the extension of nondiscriminatory treatment to the People's Republic of China.

Congress should not give up the leverage we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China with regard to trade enforcement, human rights, religious freedom, nuclear proliferation and other important issues. These issues can—and must—be addressed before we approve the measure before us today.

Extending ''normal trade relations'' to China on a permanent basis will send a powerful message determining China's role in the global economy and in the community of nations for years to come. But it is a message we can ill afford to send—so long as there is no freedom of speech, no freedom of association, and no freedom of religion in China.

On May 10th, our International Relations Committee held a hearing on extending PNTR to China including Representatives CHRIS COX and SANDER LEVIN who argued for the consideration of so-called parallel legislation. It is my understanding that the study group advocated in this legislation, including the Congressional-Executive Commission on the People's Republic of China, is now contained in the bill before us today, H.R. 4444.

It is my understanding that this Commission has no enforcement mechanism and largely duplicates existing human rights monitoring and reporting requirements. In a press report from China on May 12th, shortly after our hearing, China said it opposed any plans by the U.S. to set up a group to monitor human rights as a condition to granting permanent normal trade relations. The Spokeswoman of the Chinese Foreign Ministry said that such a watchdog body constituted interference in China's internal affairs. She noted that ''This is something we can by no means accept''.

In short, there are no indications that this commission can play an effective role in promoting human rights inside China. I would note, furthermore, that this proposal is in the jurisdiction of the International Relations Committee and should receive full and ample review by our panel before it is brought to the floor of the House.

China's enormous trade deficit with us of some $70 billion has fueled its military build-up and has emboldened the dictators in Beijing to claim areas of the Philippines and other democratic neighbors in the region. China's illegal occupation of Tibet and brutal repression of the Tibetan people continues unabated.

We are told today by many of our colleagues that by giving Permanent Normal Trade Relations to the People's Republic of China, we will be granting significant benefits to American businesses without giving away anything to China.

I strongly disagree with that contention. I believe that supporting PNTR will give china something it desperately wants: relief from the spotlight on its poor human rights record. Under the current annual review arrangement, we in the Congress are able to open a door to examine the human rights situation in China each and every year.

Along with our attention comes the attention of the world. Our hearings and debates focus the cameras and tape recorders and word processors of the news media. We have the bully pulpit on this issue, and I am very concerned that once we give it away, we will never get it back.

I ask my colleagues, are Chinese human rights and labor practices important to us? I believe that they are the most important in the world today. China has the world's largest population and one of the fastest growing economies. If China is allowed to trample on individual freedoms, then how can we tell Indonesia or Malaysia or Nigeria or Sudan or any other nation that they cannot?

The Beijing regime has fought a vigorous public relations battle to win this philosophical argument. They have manipulated prisoner releases, effectively blackmailed dozens of countries and nearly corrupted some of very own American corporations with their efforts. We cannot shrink from this battle of values. Public opinion polls show that many Americans have deep reservations about our policies toward China and the proposal to extend normal trade relations to that country.

A recent joint report by the Council on Foreign Relations, the National Defense University and the Institute for Defense Analysis on China, Nuclear Weapons, and Arms Control noted that the U.S. government remains concerned about China's arms control performance. It reports that china has not brought its biological warfare activities into accord with its treaty obligations. And its continued support to Pakistan's weapons programs has been a source of mounting concern as well.

By granting PNTR to China, we will sacrifice much of our ability to affect public scrutiny on Chinese human rights practices. I would also note that the recent report of the United States Commission on International Religious Freedom included a recommendation by all nine

commissioners that the Congress not grant PNTR to China until substantial improvements are made in respect for religious freedom in that country.

While the nine voting members of the U.S. Commission on Intn'l Religious Freedom include strong free trade proponents and who represent a wide diversity of opinion and religions, they are unanimous that China needs to take concrete steps to release all persons imprisoned for their religious beliefs, to ratify the International Covenant on Civil and Political Rights and to take other measures to improve respect for religious freedom.

Accordingly, Mr. Chairman, I urge our colleagues to oppose this measure.

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

Mr. Chairman, I would remind our distinguished colleague that the estimates are that in less than 5 years, 230 million Chinese will be classified as middle-income consumers with an annual retail sales rate exceeding $90 billion, almost $1 trillion, a year; and I would urge him also to try and have an opportunity to speak with Billy Graham's son who has been involved in the missionary activities in Mainland China for several years.

Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, one of the advantages of old age is not necessarily wisdom but a lot of experience, and I do not pretend to try to convince those who are already convinced of their position. I just want to say how I feel about this particular issue.

I am very strongly in favor of permanent normal trading relations with China, and I will say why. I have found, in my experience, that for every job that goes overseas that there are two jobs that are created in this country. One can say 850,000 have left. I do not know what the number is, but I bet many fold have come back into this country. That has been my experience.

One does not send a job abroad to make a product primarily to send back into the United States. Sometimes that happens, but it is mostly to take care of that market.

Secondly, we are not standing here making a decision in isolation. There are other people out there who do not want us to have this agreement. They want us to stay absolutely still in the water so their businesses, whether it is the South Koreans or the Germans or the Japanese, can get in there and take the lead on this, and once one has been in business there, in established relationships, it is very difficult to get in.

Lastly, from a very practical standpoint, I have set up about four plants in China, and the experience which we have had has been we have moved in, we have given people dignity, good paying jobs, benefits. They have then gone out into their community and changed the democratic, the political, the human rights, the environmental aspects of those communities. One does not stand back and say, you fix it and then we will come in. You come in and fix it and help them work through this, that has been my experience.

I just wanted to share that.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

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

Mr. TANNER. Mr. Chairman, I was over in the office listening to the debate and I know, as anyone here knows that has been listening, that the opponents of this legislation feel very strongly about it. We understand, those of us who support it, those feelings; and it is tough.

Let me just say this: Number one, nothing around here is permanent. If one believes that, we can change the law tomorrow if the Chinese misbehave, as some have said.

More important than that, this is not about China. I hear people talking about what is going on in China: China, China, China. This is about what is good for us. This is a trade bill for the United States, not for China.

Know what is important in this bill that nobody has thought about it and talked about, and I think is very crucial? It is that as good as the tariffs coming down so our stuff can go over there and go in that is made in this country providing jobs for our citizens, but the second thing is that the Chinese, in this agreement, agree to do away with their government-owned corporations that limit the amount of exports by that mechanism to go in there.

So what we can have with this agreement for us, not for China, I do not much care what happens in terms of China other than how it affects the citizens of this country, and what is good for us is we have private enterprise in this country doing business with private enterprise in China.

My colleagues say they want to change the status quo in China? That is going to change the status quo in China more than any other single thing, in my judgment, we could possibly do.

So I say this is a trade bill not for China but for us. It is good for the United States. It is good for our citizens.

I will say one other thing. China cannot be isolated by voting no. Know who is going to be isolated if my colleagues vote no? They are going to isolate us, because the EU, the European Union, the South Americans, Japan, and the rest of Asia are going to take that market and they are going to isolate us, not them, if my colleagues vote no.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. KLECZKA) for yielding me this time.

Mr. Chairman, it is unfortunate that so many observers have gotten it wrong. The China trade vote is not about protectionism versus free trade. It is not about business versus labor. It is not even about China haters versus China apologists.

No, it is a vision of the world trade worthy of America in the 21st century. It is about whether 21st century globalism will have any guiding principle or whether it will be an aimless trading frenzy with no consideration of workers' rights, of human rights, of religious rights, of environmental protection.

Yes, it is about engagement. This whole debate is about whether to bring China into a rule-based trade regime. The great irony of all of this is that the proponents of PNTR insist on the need for rule-based trade agreements, backed up with sanctions.

So, I ask, why do we need rule-based trade agreements in trade but we do not need rule-based agreements in any other area that we think is important?

Real engagement extends beyond trade. Trade in the 21st century will be and must be about more than how many widgets enter and leave a port.

A no vote is not a retreat. A no vote is a vote for engagement, if we have the wisdom to have real engagement.

I urge my colleagues to oppose this bill.

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

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

Mr. KUCINICH. Mr. Chairman, the book of Genesis tells the sad story of Esau, son of Isaac, who sold his birthright for a mess of pottage.

As Americans, our birthright is life, liberty, and the pursuit of happiness. The tradition of our country has been the unfolding of those liberties, including freedom of speech, freedom of religion, including workers' rights and human rights. This is our birthright.

The Chinese people do not enjoy these freedoms. They suffer under slave labor, prison labor, no workers' rights, no human rights. They suffer from religious repression. They do not have, as we do, above their center of power, the words, ''In God We Trust.''

Those words, if we stand by our values, infuse us with powerful moral leadership. That is why we need to hold the moral high ground with annual review of human rights and labor practices of China. It is access to our market which enables us to hold the moral high ground.

The multinational corporations with their single-minded dedication to profit at all costs cannot be expected to defend workers rights anywhere, let alone in China. It is our duty to defend workers' rights and human rights, and we have no right to abdicate that responsibility ever.

□ 1815

Chinese workers are paid as little as 3 cents an hour. Whose values are those? The Chinese government which

uses slave labor; the global corporations which capitalize on slave labor.

How many hours do Chinese people have to work to account for a $70 billion trade deficit with the United States? How many American manufacturing jobs will go to China's workers who are paid 3 cents an hour?

There is a myth that if one digs a hole deep enough, one will reach China. We have dug the hole deep with a $70 billion trade deficit. We will learn tomorrow if we have reached China. If in that hole we put our jobs, decent wages, workers' rights, and human rights, will we cover up that hole and claim victory?

But, Mr. Chairman, peace and justice is already our birthright. Freedom of speech and freedom of religion are already our birthright. Workers' rights and human rights are already our birthright. Will we, like Esau in Genesis, sell our birthright for a mess of pottage which multinational corporations offer?

What is the price of freedom? Do we so little value freedom that we are prepared to sacrifice our lives, our fortunes, our sacred honor? Vote against PNTR.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I am going to bring my colleagues tonight a hypothetical bill. This bill has three parts: part one provides billions of dollars of aid to Beijing in order to stabilize the regime; part two provides support for the Chinese military infrastructure as it prepares to attack its neighbors; part three provides direct aid to the PLA. Now, that is my hypothetical bill I bring to my colleagues tonight. I ask my colleagues, Mr. Chairman, who would vote for this bill?

If we clear away everything else that we have talked about, it does boil down to this, because I will tell my colleagues, Mr. Chairman, I was, in fact, one of the Members that went to the CIA briefing. When one goes to the CIA briefing and when one asks specific questions about these issues, this is what one comes back with; that, in fact, doing what we are about to do will provide aid to the regime in order to stabilize it. It will provide aid to the military in order to attack its neighbors. It will provide direct aid to the PLA, to the People's Liberation Army.

How is this, my colleagues ask? It is simple. The PLA owns the business. When the gentleman from Ohio (Mr. KUCINICH) talked about private businessmen doing private business with other private businessmen, Mr. Chairman, the PLA, they own 100 percent of the telecommunications business in China. They own most of the significant businesses, either surreptitiously or directly. Yet this is the bill I bring to my colleagues tonight.

If my colleagues could just escape all of the other things, erase all of the other thing we talk about, and how wonderful it would be to improve human rights, how wonderful it would be to improve workers' rights, religious freedom, all those things would be great. But what is all of our primary responsibility as representatives of the people of the United States? Is it to, in fact, insure human rights across the world? As laudable as that goal is, no, that is not our prime responsibility. Is it to, in fact, insure workers' rights? No, that is not our primary responsibility. It is not even our primary responsibility to insure religious freedom.

We have one responsibility, the prime directive: protect and defend the people of the United States.

Vote no on this bill.

Mr. CRANE. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH).

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

Mr. ENGLISH. Mr. Chairman, this debate that we undertake today is about better, stronger, fairer trade with China, which in time will pave the way for social and political reforms. Some of these reforms are already evident today.

Pennsylvania has exported more than $297 million in goods to China in 1998. Voting for this agreement forces China to take down tariff barriers and nontariff barriers that have prevented even larger Pennsylvania exports. Increasing the amount of exports to China will only help in creating jobs, not only in Pennsylvania, but also throughout our country.

Last November, the U.S. Trade Representative Ambassador Barshefsky completed historic negotiations with the People's Republic of China and managed to craft an agreement that would provide access to the Chinese market while requiring no concessions by the U.S. Let us be clear about this. This is no NAFTA. We do not make a single job-killing concession in this legislation.

The bill we consider today would allow the U.S. to benefit from those negotiations. The bill will not determine whether or not China enters the WTO. China is entering the World Trade Organization with or without this legislation.

I must admit, Mr. Chairman, that I entertained serious concerns when this issue was first raised. I was concerned about human rights and fair trade, which are critical to building a long-term stable relationship with China. Luckily, through the bipartisan leadership of my friends and colleagues, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER), many of these issues have been addressed convincingly.

Let us look at the facts. The Levin-Bereuter plan provides better oversight for human rights and protections than exist under current law. It provides strong and enforceable anti-surge protections, which are part of the original agreement with the Chinese Government and will now be codified. The Levin-Bereuter provisions, not only ensure that Chinese play by the rules in trade; but, more importantly, they strengthen U.S. law to provide quick and effective weapons if there is a violation. The bill includes language from Levin-Bereuter, urging that the WTO approve both the PRC's and Taiwan's accession in the same General Council session.

All of these provisions are major improvements that make this overall package a good bill. We are entering into a trade agreement with China that will create a more balanced relationship than any initiative to date. This debate should be about ensuring that China plays by the rules in trade, and that they honor commitments made in this agreement.

Mr. Chairman, a China disengaged is more likely to be a rogue country in the new century. A China engaged is more likely to move down the sunlit path of human rights. I challenge every one of my colleagues to vote to engage China, a China to which we can export our goods along with our values.

Mr. Chairman, I include two editorials from my district in favor of normal trade relations, as follows:

[Editorial Column—The Erie Morning News, May 21, 2000]

If we can believe the American business community, windfalls will follow if the Congress goes along with President Clinton and approves permanent normal trade relations with China. American labor—which has never met a free trade measure it liked—sees PNTR as another job-killer. As usual, neither forecast tells the full truth.

Opening the huge China market by allowing the Communist nation to join the World Trade Organization will undoubtedly be lucrative—in time. No windfalls.

As with the equally contested North American Free Trade Agreement with Canada and Mexico, some American jobs will vanish with free and open trade with China. But no one will hear giant sucking sounds as American jobs are lost to China, as labor preaches.

Similar divisions afflict Congress as it prepares to vote on PNTR later this week. The U.S. Senate is expected to back PNTR with little fuss, but war has begun in the always fractious House of Representatives.

The Republican leadership is guiding PNTR despite loud opposition from some GOP members who seek leverage to force China to end human rights abuses.

House Minority Leader Richard Gephardt is against PNTR, as is the bulk if the Democratic caucus. So labor still threatens passage.

We find China's recent behavior offensive. We also realize the 20-year Most Favored Nation Status charade did nothing to moderate Beijing's repeated rights abuses.

Our support for PNTR is based on simple reality. China is not Cuba. It is the most populous nation in the world, with the globe's fastest growing economy. It is senseless for the United States to treat the Asian colossus as anything else than a superpower likely to emerge later this century.

With China's markets open, with American goods—and American popular culture—flowing throughout this giant nation, dramatic reforms will eventually follow. The old Communist leadership will be just as powerless to stop these forces as its decreased former

Soviet and Eastern block comrades (and as Fidel Castro would be in Cuba if American policy weren't based on Cold War myths).

We understand these are difficult votes for many in Congress, who despise the Chinese Communists or who fear labor. But then, Congressman didn't seek office merely to vote on popular, easy issues.

Side legislation creating a commission to monitor China's performance offers political cover for nervous Democrats. Even Erie's 21st District Republican Congressman Phil English ''emphasized the importance of the proposal'' to the Wall Street Journal after voting with the Ways and Means Committee to approve PNTR and send it to the House floor last week.

English will vote for PNTR because he understands the stakes China has agreed to join the world community and play by its trade rules with entry into the WTO.

That is where America's influence is, with China as a full trading partner—not some junior member of the world community who must be monitored like a troubled child.

The United States tried that approach with China and Most Favored Nation Status the last 20 years. It's time to join the real world.

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[Our View—The Herald, Sharon, Pa., May 21, 2000]

CONGRESS SHOULDN'T LET ORGANIZED LABOR DERAIL U.S.-CHINA TRADE VOTE

Approval of the China trade bill Wednesday by two key legislative panels, the House Ways and Means and Senate Finance committees, bodes well for next week when the House is expected to take up the thorny issue of permanent normal trade relations for China.

Bipartisan support for the historic measure has been building although the final vote, by all accounts, will be close. Most House Democrats, particularly those most closely allied with organized labor in industrial states, are stubbornly resisting pleas for their votes from both Republican leaders and the Clinton Administration.

Congressmen still opposed or sitting on the fence should vote for the historic measure that rightfully should be seen as having as many benefits for workers as for businesses, manufacturers, farmers, consumers and lovers of personal freedom.

Passage of the bill into law—it's expected to have an easier time in the Senate—would end the annual exercise of renewing China's trade status and grant the world's most populous nation the same normal trade relations and lower tariffs that the United States extends routinely to nearly every other country. The bill also would assure China's entry into the Geneva-based World Trade Organization which overseas world trade and provides mechanisms to resolve disputes among members.

Organized labor, desperate to defeat the bill, has trumpeted such already well known criticisms of China as its poor record on human rights and denial of religious freedom as well as its history of economic piracy and disregard for environmental standards.

However, labor and other opponents should take another look at what the record shows and stop refusing to accept that easier trade—and the growing prosperity it brings—is the most effective cure for the repression and other ills of communism. The higher standard of living increased trade can provide for China's 1.2 billion people is the most powerful tool to promote democracy there and continued prosperity for American working families.

More trade would add to the 1.3 million new American jobs attributed to growth in imports and exports since 1993. International commerce is responsible for nearly one-fourth of America's gross national product.

American labor leaders, fearful as they are about the effects of the trade bill, also should recognize that Chinese leaders are just as worried although for different reasons.

As pointed out in the New York Times by Beijing reporter Elisabeth Rosenthal, private enterprise that has grown in China over the last decade has taught ever greater numbers of Chinese that they can live independent of the government. Nurturing that growing sense of confidence is the Internet, with its promise of unfettered worldwide communication, which carries voices of opposition and democracy in China out to the rest of the world despite the communists' determination to hold onto power. Such steps toward prosperity, confidence and freedom deserve as much support as possible.

Instead of opposing the China trade bill, labor leaders should see exciting possibilities in the opportunity to compete for the business of 1.2 billion potential buyers for every kind of American product from grain, meat, livestock, fruits and vegetables to computer hardware and software, medicine, machinery and construction equipment and consumer goods of every description.

Seeking to boost trade with China won't, as labor leaders fear, diminish America's willingness to fight for its interests, as we have seen over and over. The most recent example came Tuesday when the U.S. International Trade Commission levied punitive duties on apple juice concentrate following a determination that China was dumping the product here at prices below the cost of production. There's no reason to think that after normalization of trade with China that American business interests and officials will be any less insistent on fair trade of steel, pipe, machinery or other industrial goods as for agricultural products.

It's been three decades since Richard Nixon visited Beijing in 1972 and established cordial relations with China. Since then, each succeeding administration has worked toward a closer partnership between the two countries and it's time to take the next big step.

Mr. LEVIN. Mr. Chairman, it is my privilege to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, today our Nation, and I believe this Congress, stand at the beginning of a new century; and with it comes the new opportunity to export our products to the largest emerging market in the world.

America today is enjoying unparalleled economic successes. We are the envy of the world. Economic growth is sustained. Unemployment is low. Inflation has been kept at bay. The new economy has brought new wealth and new opportunities to our Nation and its workers. I am proud to represent a district which is home to Silicon Valley and where the high technology industries are the primary contributors to the economic engine of our new economy.

But this issue is larger than any one industry or any one congressional district. President Kennedy said, ''Economic isolation and political leadership are wholly incompatible. The United States has encouraged sweeping changes in free world economic patterns in order to strengthen the forces of freedom, but we cannot ourselves stand still. We must adapt our own economy to the imperatives of a changing world and once more assert our leadership.'' These words hold truth for us today.

This legislation, I believe, is good for the American worker; and it opens the greatest market for the products they make to a much greater market.

This House and our Nation, I think, really owe a debt of gratitude to the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. Bereuter). Refusing to turn their backs on history, they, instead, chose to make history by writing legislation that brings the framework of the famous Helsinki courts to our relationship with China.

Mr. Chairman, I urge my colleagues to support this legislation. I believe that we will seize a historic opportunity, not only for our country and its workers, but that future generations will say that we took an important step, seized the opportunity for our people.

So I thank my colleagues for this opportunity, and I thank especially the gentleman from Michigan (Mr. LEVIN) for the work that he has done.

Mr. Speaker, today our nation—and this Congress—stand at the beginning of a new century and with it comes a new opportunity to export our products to the largest emerging market in the world.

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These words hold true for us today. This legislation is good for the American worker. It opens the greatest market of this new century to American products and American values.

I want to salute our colleagues, Congressional LEVIN and BEREUETER for refusing to turn their backs on history and instead choosing to make history by writing legislation that brings the framework of the famous Helsinki Accords to our relationship with China.

Mr. Speaker, China's outdated politically-decrept political system has shown over fifty years that it can repress its people by keeping them closed off from the rest of the world. I doubt they can succeed with this economic and political repression in the face of an Internet society where millions of computers and wireless telephones will connect China to the rest of the world. An Internet society punches a thousand holes in the dike of political repression. China not only will be exposed to

American values, but it will become part of the community of nations.

I urge my colleagues to vote yes to extend permanent normal trade relations to China and thus seize this historic opportunity.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I believe in free trade. But to me, free trade is not just about the products we are trading. It is also about the people who make them. If after more than a quarter century of engagement, the success of our human rights and democracy efforts in China can be measured in forced abortions, arrest of dissidents, Tiananmen Square, religious persecution, ethnic cleansing in Tibet, child labor, slave labor, aggression against Taiwan, and the arrests of the Falun Gong, then our record is not a success at all but a dismal failure.

The victims of this failure are not just the Chinese people. The administration and American companies continue to accept displaced American workers as inevitable casualties of economic war for which there is virtually no assistance. I know I will not.

Our trade deficit with China continues to grow, from a $6 billion deficit a decade ago to an almost $70 billion deficit today, all while the Chinese Government continues to break promise after promise, agreement after agreement. That $70 billion benefit to China is what they have, in essence, been investing in their military budget.

Free trade exists when two countries open up their doors to compete on a level playing field, not when one country, the United States, opens its doors wide while the other, China, cracks its door open an inch while reserving the right to slam it shut if we ever dare ask for what they consider to be too much.

Have we gotten to the point where we will throw all of our values out the window, even protecting children from forced labor, in order to maximize corporate profits?

Our leadership, our international leadership, comes from these values, not just our profits. That is the America I believe in. That would be the kind of true free trade bill that would be worth fighting for. This is a bill that needs to be soundly defeated.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I wish to bring two new developments to the attention of this House, developments that show that we need to negotiate a better deal.

First, the International Trade Commission and the official authoritative body of the Federal Government issued a report. It says this deal will increase our $70 billion trade deficit and cost America 872,000 jobs over the next 10 years. That is right. Permanent NTR does not just make the trade deficit permanent, it makes it bigger.

Second, the gentleman from California (Mr. BERMAN) and the gentleman from Pennsylvania (Mr. WELDON) presented an amendment to the Committee on Rules this afternoon which would simply state that China will lose its access to our markets if it invades or blockades Taiwan. This amendment is consistent with GATT. But I expect that the Committee on Rules will reject it because the administration will reject it because China will not accept it.

Now, who is to blame? China? If it interprets the proceedings of this House as a green light to blockade or invade Taiwan, and if this House is willing to grant permanent NTR, even if China blockades or invades Taiwan, what would the other body do? What would the proponents of trade suggest?

We must insist that the Berman-Weldon language is included in this statute. If it is not, then we are being vague when clarity is called for. We will be at fault if China is misinterpreting our mood, and we will be the precipitators of those in China who say they are free to invade Taiwan or blockade Taiwan.

Keep in mind how easy it is to blockade Taiwan. It just takes a press release saying that the next freighter into Taipei or into Taiwanese ports will be hit by a Chinese missile, and that economy shuts down. We cannot allow misinterpretation. We need the Berman-Weldon language. Otherwise, this bill becomes the Taiwan blockade authorization act.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

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Mr. OWENS. Mr. Speaker, in trade agreement after trade agreement the U.S. negotiators have allowed themselves to be swindled before. Now we are dealing with a very different kind of animal. China does not have a market economy. It has an economy that has no name. It is a complex situation where we are about to be swindled again.

Without a doubt, the totalitarian government of China has the world's largest workforce. China also has the most oppressed and most thoroughly manipulated urban workforce on the face of this Earth. In the country that promised to be the paradise for the proletariat, there are no free unions. Workers cannot organize.

China's size makes China special. It is a monster that can greatly distort the economics of world trade. But more importantly, with China's centralized authority, the totalitarian control of both the consumers and the workers and the means of production, everything is under control, and that also is a danger to world trade.

No one in this government is willing to give us an honest study and an honest assessment of the damage that has already been done by NAFTA with its monstrous drain on manufacturing jobs on this country's economy. But China has the capacity to do 100 times more damage than Mexico did with the NAFTA blunder.

China's trade is great for our retail establishment. Yes, they like to go and purchase items for a few pennies and sell them for many dollars at a tremendous profit in our retail stores. China's trade is great for our manufacturing concerns, to take their plants and pick them up and have products manufactured in China and brought back here and sold in a standard in line with our quality of life.

For the managers, the executives, and the investors profits leap upward forever in this China deal. But for ordinary Americans, the statistics and the records tell the tragic side of the story. Already world trade has cost us a great deal. The gap between workers and the people on the top keeps growing. China is a disaster. Vote ''no'' on this trade bill.

Mr. Chairman. I am strongly opposed to granting permanent normal trade relations to China and, knowing the strong feelings on both sides of the issue, will explain the reasons for my objection.

Permanent normal trade relations with China will increase America's trade deficit, contrary to what many believe. In 1999, America exported one-third less of agricultural products to China than in the previous year and the resulting deficit affected two-thirds of all agricultural commodities exported to China. In fact, America's 1998 cotton export surplus to China of $118 million turned to a $12 million trade deficit in 1999. From 1995 to 1999, American export of fresh apples to China fell by 79 percent, while we imported twice the dollar amount of dried apples from China than we exported in fresh apples. While we exported no peanuts to China in 1999, we imported peanuts from China for the first time in 1998 and exported only $14,000. This was a drop from $60,000 worth of peanuts exported to China in 1994.

How can we believe that simply giving China permanent normal trade relations status will reverse this very clear trend? This increase in agricultural imports from China to the United States has occurred simultaneously while overall United States exports to China has steadily decreased. The result is a significant agricultural trade deficit for the United States. Granting permanent normal trade relations status to China will not automatically recalibrate the balance of trade between our two countries. And historically, China has failed to honor trade agreements with the United States. What makes proponents of permanent normal trade relations believe that it will be any different after approval then it is now?

But of equal concern to me is the well-known record of China in human rights violations. This extends to the workers in China who will be the recipients of American jobs exported there under the misguided belief that permanent normal trade relations with China will be a positive thing. At the current 25 cents an hour in manufacturing wages for the average worker in China, the temptation for multinational corporations to move business from America to China will only be exacerbated by granting it permanent normal trade relations status. Right now, a few multinational corporations are draining away assets from Federal, state and local coffers and taking their business to other countries that have less ethical and stringent standards under which their citizens earn a living. Are we to condone and support this trend by making it easier for those multinational corporations to export jobs away from America?

This negative trend for American trade will not be helped by granting China permanent normal trade relations status. It will simply increase our dependency on foreign imports and set in motion a dangerous precedent that could see the eventual disappearance of the prosperity and productivity that America has built to an incredible degree over the last 8 years.

International concerns that should give proponents of permanent normal trade relations with China pause is China's unchanged reputation for support of radical factions; like Iran, Iraq, and Libya and for bullying Taiwan.

By granting permanent normal trade relations status to China, we send a message to multinational corporations that it is OK to siphon money from American communities and move assets abroad with impunity. We say to China: ''It is OK to practice human rights violations and aid and abet rogue nations in the international arena.

The proper course of action for the United States Congress is to deny permanent normal trade relations to China. We must not allow American jobs to disappear and resurface abroad. We must not turn a blind eye to China's intransigence on world security issues. Let us not turn back the clock on what we have been able to accomplish over the last eight years. We must say no to permanent normal trade relations for China. We must say no to the betrayal of slave-wage workers in China and to workers in America.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Chairman, the question before the House is permanent normal trade relations for China. But the previous question, the larger question, the larger issue is fairness for domestic industries and our workers, equity for American workers.

When subsidized goods from foreign sources flood our markets, not protection but prompt, vigorous, efficient enforcement of our existing trade laws, has not happened in the steel industry in the United States. We have lost 350,000 jobs in basic steel and 10,000 jobs in the iron ore mining country of my district.

For the past 4 months, I have asked the administration and backers of this legislation to fix two problems with legislation that I have prepared on the Trade Act of 1934 and the Trade Adjustment Assistance Act of 1974 to provide that equity and that fairness that I am asking for in international trade. It has not been forthcoming in this legislation.

I have not been uncommitted but very clear about my position. If we can fix the problem and help the workers face an uncertain future, I would vote for this. But if not, I will vote against it.

Symptomatic of what lies ahead are the defective issues in the U.S. agreement with China that are reflective of the broader pattern of international trade where we have failed to enforce existing law. What hope do workers in American industry have about the future of a broader trade agreement when existing law is not vigorously, effectively enforced? We ask only for that. It has not been forthcoming. I see no hope that it will. I am voting no.

Mr. ROHRABACHER. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH), a human rights advocate who has earned that reputation through many years of human rights work in this body.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to PNTR, and tonight I especially urge the remaining undecided Members to look at China's ever-worsening human rights record and look long and hard at the compelling threat that PRC poses to Taiwan on both the short and intermediate term as they build up with U.S. missile and computer technology and Russian ships, and the threat to the U.S. itself. The VFW and the American Legion have taken a long look at this issue and they have urged a ''no'' vote on PNTR.

Mr. Chairman, a few moments ago the gentleman from Texas (Mr. BENTSEN), who takes the view that is contrary to my own, rightly called China a dictatorship. Our business partners, Mr. Chairman, in Beijing indeed are dictators, and they are directly responsible for heinous crimes against humanity, including the systematic use of torture, the laogai or slave labor, where hundreds of thousands of people, thousands of gulags or laogai are used to make goods that are then exported to the United States. And the MOU that we have with them is not even worth the paper it is printed on.

They have given new meaning to the word union busting. Those brave Chinese who speak up and try to organize are thrown into jail and they too are beaten. As a result of the one child per couple policy, brothers and sisters are illegal. Forced abortion, properly construed as a crime against humanity by the Nuremberg War Crimes Tribunal are going on in China on a massive scale today. There is no toleration of dissent in the PRC.

I have had 18 hearings, Mr. Chairman, in my Subcommittee on International Operations and Human Rights of the Committee on International Relations. We have looked at this at every angle. Another commission is nice, but it should not be done in lieu of substantive action.

Let me also point out that I too chair the Helsinki Commission. This does not look like the Helsinki Commission. Let me just remind Members that the U.S.S.R. and the Warsaw Pact nations all signed the Helsinki Final Act in 1975. It was a process. China is not going to be signing this pact. Let me also point out that MFN was denied to the U.S.S.R. while we had this accord called the Helsinki Final Act.

And, finally, we have commissions. The U.S. Commission on International Religious Freedom has come out unanimously admonishing Members of Congress to vote ''no'' on PNTR because of the deteriorating situation on religious freedom.

Let me just conclude, Mr. Chairman. My colleague, the gentleman from Tennessee (Mr. TANNER), said nothing is permanent. If they misbehave, he said, maybe something could be done. Let me just point out the fact is that this dictatorship is misbehaving on a grand scale. It does beg the question, is there anything that they can do, any abuse they can perpetrate that does not lead to the loss of PNTR? I urge a ''no'' vote on this resolution.

Mr. CRANE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois (Mr. CRANE) has 3 minutes remaining.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time.

Brent Scowcroft, U.S. Air Force lieutenant general, retired, and former National Security Adviser, said of this vote, ''Denying permanent normal trade relations will remove none of the blemishes that China's opponents have identified.''

Denying PNTR will not fix the problem in China. None of us is here to defend the abysmal human rights record of the Chinese, but, frankly, it is better today than it was during the cultural revolution. Things are improving. Ren Wanding, leader of the 1978 Democracy Wall Movement in China said, ''Before the sky was black. Now there is a light. This can be a new beginning.''

I was in China at the beginning of this month with the Secretary of Agriculture and several Members of this Congress, two of whom just today finally made up their minds to support PNTR after much serious discussion. PNTR vote is a vote about what happens here in this country as much as it is the hopes of some of us to change that country.

Today, in my home State of Oregon, they are preparing the first shipment of wheat to go to China in 26 years, because until this bilateral agreement

came along, China used one of those nontariff barriers, called TCK SMUT, with a zero tolerance to preclude us from ever selling wheat into China. And they were successful for 26 years. That changes tomorrow when the ships leave Portland, Oregon, with 50,000 metric tons of wheat.

That is important. My farmers are suffering. If there is one thing I have heard over and over again as I have gone around my district is about bad past trade agreements that left us on the wrong side. This one forces China to open its markets, reduce its tariffs, and puts us on a better playing field when it comes to trade. And that is so important to people who are facing bankruptcy and disruption of their markets.

And, my colleagues, if we do not pass PNTR, we give the European Union, who we know subsidizes their farmers and ranchers to an extraordinary amount, our bilateral agreement, and we stick it to American farmers. And that is wrong, Mr. Chairman.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in support of this legislation. I thank the gentleman from Texas (Mr. ARCHER), the Chairman of the Committee on Ways and Means, and the ranking member, the gentleman from New York (Mr. RANGEL), for their leadership in bringing this bill to the floor.

I acknowledge the hard work and passion of good friends on both sides of the issue; leaders on one side eloquently stating the challenges that remain in our relationship with China, others highlighting the opportunities this agreement presents for Americans and the China people. I believe we share the same goals.

We all want to expand our economy and to increase opportunities for all Americans. And we all want to encourage reform in China, nurturing freedom for over 1 billion people, making the world a safer place for everyone. This debate has shown that people of good intentions can strongly disagree on a means to achieving the same ends.

I am convinced that passing permanent normal trade relations and engaging with China is the best course for our economy, our national security, and the Chinese people. I know that increased exports of wine, citrus, beef, and other farm products will benefit the families of my central coast district in California. And I know the high-tech industry, so critical to our economic future, will gain critical access to Chinese markets. But I also strongly believe the Chinese people will, in the long run, win as well.

I note the recent statements by the Dalai Lama endorsing China's entry into the World Trade Organization and by Taiwan's new president in support of PNTR. These are calls for continued engagement with China, and they are calls we should heed.

But passing PNTR is only the first step. The real work now lies before us. We must ensure China lives up to its commitments in this agreement. We must encourage American companies to uphold the very best of our values in China. We should not shrink from this challenge and this opportunity by refusing to engage with China. We must continue to highlight China's human rights shortages and encourage the voices of progressive change in that country.

I urge my colleagues to support this important legislation.

Mr. KLECZKA. Could the Chairman inform the sides how much time is remaining.

The CHAIRMAN. The gentleman from Wisconsin (Mr. KLECZKA) has 7 minutes remaining, the gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining, the gentleman from Illinois (Mr. CRANE) has 1 minute remaining, and the gentleman from Michigan (Mr. LEVIN) has 2½ minutes remaining.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise today in opposition to granting permanent normal trade relations to China.

Entering into a trade agreement with China, given their current record on human rights and workers' rights, to me, is like marrying someone we hope to change. After the vows are taken, we then tell that person what is not right with the relationship and what needs to be done differently. It does not work.

Today, the U.S. imports 36 percent of all Chinese exports, but working conditions remain horrible. They are bad in the factories, where the sneakers are made, where the TVs are made. Yet we buy those products, and U.S. companies in China and the Chinese manufacturers have done nothing to improve workers' rights.

What is most alarming is that many of these products are made by very, very young children, who work more than 12 hours a day for very small wages; and they work 7 days a week.

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It is pitiful that the U.S. is ignoring the awful conditions that these children face. PNTR with China would be a bad marriage. After the honeymoon hype fades away, we would be left with nothing except the same old China, where children work in virtual slavery.

The United States must not say ''I do'' to China until the Chinese people have freedom and the American people have responsible trade policy.

I urge my colleagues to vote ''no'' tomorrow.

Mr. KLECZKA. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

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

Mr. Chairman, I rise in strong opposition to this trade agreement. When people talk about this, the first thing they say is, we ought to have a trade agreement so we can engage with China. Well, if this theory is so smart, why do we not try with Cuba first? Because some of the same people who have dramatic opposition to engagement with Cuba, our neighbor 90 miles away, think that this is the greatest thing since sliced bread.

I have severe questions about this agreement. It seems to me we have come to a point in our history where we worship at the altar of new markets to the total exclusion of all other foreign policy objectives, and I do not think that makes good sense.

Let us talk about engagement. We have been engaged with China, and the report card is abysmal. They have not complied with the provisions of GATT, something that is already in place. We annually renew our trade relations with China. Let us see the results.

Human rights violations continue to proliferate. They have not been reduced.

We look at our trade deficit. It is the worst in the history of the United States. They outnumber us six to one in terms of our trade relationship. They have a distinct advantage in our relationship with them; our engagement with them certainly has not helped.

When we look at piracy of intellectual property and when we look at every element of our relationship, we see we have not benefited from this so-called engagement.

I urge rejection of the trade agreement.

Mr. KLECZKA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

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

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

Mr. Chairman, today we are deciding United States trade policy with the People's Republic of China. Given the fact that China is a communist nation and that it regularly violates the human rights of its own citizens, the United States Congress, rightfully, every year decides whether to treat China that year with restrictive or normal trade relations.

This year Congress is being asked to give up this annual review. And the question is, should we do so?

While I believe in free trade because it can be in America's national security and economic interest, and while China's leaders have made some progress from their days as an inward-looking regime, China has broken every one of the six trade agreements it has signed with the United States since 1992.

It is clear to me that not enough progress has been made or even attempted in the important areas of

human and worker rights and in protecting the environment in China.

I hope the time will come when the great nation of China will earn the right to permanent normal trade relations with the great Nation of the United States. They have not done so yet.

I urge my colleagues to vote ''no'' on PNTR for China.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I can understand the trends within this country. They are historic towards protectionism and isolationism. But they have not prevailed. And we have benefited as a result of our confidence in the future, our ability to compete.

But if we look at who in China is opposed to this treaty, who wants us to reject it tomorrow, certainly the military wants us to reject it, because they want their people to believe that they should be putting their resources into gearing up for a military confrontation with the United States. So they want us to reject it.

The people who run the state-owned enterprises want us to reject this treaty because they are afraid of competition with the United States. They do not want to have to worry about providing better working conditions for their people, worrying about the environment, providing the kinds of benefits that we provide in higher standard of living to the people who work for American corporations.

And certainly the Communist Party wants a no vote. They want a no vote because they know if they are put under the international rule of law and if they have almost unfettered Internet access to their people, if they cannot control what their people read and see and believe, they, the Communist Party, lose control over their people; the people of China will be liberated; the people of China will be able to deal with us. That free enterprise will prevail, that democracy will prevail, that human rights will prevail.

All of these hardliners in China want a no vote. But America needs a yes vote. This may be the most important thing we can do for our children's children, from a military standpoint, from an economic standpoint, and from a moral standpoint.

China needs to be an economically independent ally, not an isolated military threat. They need to be an economic opportunity, not someone who is closed off. And certainly, the people of China need an opportunity to understand that we have it right, that individual freedoms is what the human condition is all about.

Give the Chinese people a chance. Vote ''yes.''

Mr. KLECZKA. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, over the last couple hours we are told about slave labor, child labor, human rights abuses, forced abortion in China. So one could ask, well, why are we here giving permanent trade status to China? What is this issue all about?

My colleagues, the issue is all about money. The issue tonight is money, corporate profits for our industry and corporate boards. That is what it is all about.

Now, we have heard from the proponents that, gosh, we cannot isolate China, we cannot refuse to trade with them, we should not be protectionist. And it is all nonsense. Because everyone talking on the floor, be they for or against this resolution, know that we are going to continue, like today, trading with China.

So what is the big deal? The big deal is do we give China tomorrow permanent trading status with our country? Do we throw open the doors to promises of hundreds of thousands of new jobs? Or should we, like we have for almost the past 20 years, review this country and their abuses on an annual basis and then on this floor make a decision?

That is the question. It is not protectionism. It is whether or not Congress, the elected officials, will continue to review this.

I was told about the hundreds of thousands of jobs when NAFTA was passed, the trading agreement with Mexico. My colleagues, I come from Milwaukee, Wisconsin. A short time ago, Master Lock, little bicycle locks and big locks, small locks, they announced that they were going to close the plant, lay off 400 workers in the Milwaukee area, and move that to Mexico where the average wage we are told is about 50 cents an hour.

We cannot compete with that. Well, that is not going to happen in China. Baloney. The average wage in China is 13 cents. Master Lock should have waited for this and then ran to China.

Well, but we are going to have trade and they are going to buy American goods. The per capita income in China is about $750 a year, $750 a year. How many Jeep Cherokees can the Chinese buy from us? How many refrigerators? How many computers?

My colleagues, the issue here is money, money, money.

We were told when we had a hearing before the Committee on Ways and Means that, under this agreement, investment in China is going to become more secure and more profitable. And that sent up a red flag for this fellow because that means American capital is going to go over there in droves and instead of shipping products, they are going to be made there; and we are going to be shipping machine tools and production equipment, only to have the widgets and the tires and the auto parts come back here displacing American workers.

All we are asking today is let us review this and see if China is worthy of permanent. Let us look at it year to year. Congress comes back every year like the swallows to Capistrano.

Mr. LEVIN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, the annual review process has been, basically, a failure. We need both to gain the benefits from what we negotiated and find a better way to impact China.

The Helsinki Commission worked not because the USSR agreed; but because we, the U.S., persevered. If we persevere with the provisions in the bill that the gentleman from Nebraska (Mr. BEREUTER) and I and many others have put together, the best interests of our workers and our producers will prevail.

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

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, today we have heard many things that do not really represent a real analysis of what PNTR is all about. We have been told that PNTR means there are no concessions on our part. Give me a break. I mean, no concessions? We have frozen into our reality unfair trade tariffs from now to forever.

Let me give my colleagues an example of PNTR. Car tariffs are going to be 25 percent. They are going to say, oh, well they are higher now. Yeah, they are higher now, but then they are going to bring them down and freeze them forever at an unfair level. Car tariffs 25 percent. Motorcycles 35 percent. VCRs 30 percent. Color TVs 30 percent. Corn 65 percent. Rice 65 percent. Sugar 65 percent.

These are the tariffs that they are going to have on our goods while our tariffs are just going to, again, as we have had for these last 10 years, almost down to nothing. This freezes us into an unfair economic relationship with the world's worst human rights abuser.

The Levin-Bereuter proposal that in some way just eliminates our review is going to do some good for the people of China; we are eliminating the review that we have. Their only restraint on their violations of human rights we are taking away by permanent normal trade relations.

What is this again? As I started out, this whole debate is about what? It is about whether or not we are going to continue the subsidies of American businessmen through the Export-Import Bank who are making their investments in Communist China to take advantage of that slave labor at the taxpayers' expense by the taxpayers guaranteeing that investment. That is what is fueling this whole debate today. Nobody wants to recognize it.

What we are doing is building the infrastructure, the technological and manufacturing infrastructure, of the world's worst human rights abuser and the country that poses the greatest threat to us militarily in the future.

We are creating a monster with blood on its hands. The blood on its hands is dripping from the hands of this terrible totalitarian regime. They have been repressing their religious believers and people who believe in democracy. And

we want to have a permanent normal trade relationship with them to help them build up their technological capabilities.

Such immoral policy-making will come back and hurt the United States. This is Neville Chamberlain's strategy with Adolph Hitler, build up his economy that he will not dare to commit aggression.

We will be hurt very badly if we pass this. Oppose PNTR.

Mr. CRANE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to read a quote of President Chen Shui-bian, the newly inaugurated President of Taiwan: ''We would welcome the normalization of U.S.-China trade relations, just like we hope the Cross Strait relations between Taiwan and China can also be normalized. We look forward to both the People's Republic of China's and Taiwan's accession to the WTO.''

The next quote is from the EU Trade Commissioner Pascal Lamy, who said, ''WTO entry has benefits for China, as it has benefits for EU companies, and it will enhance EU-China relations and that has just been concluded.''

And finally, ''American businesses and religious leaders need to remain engaged in China as an example and as a voice for our values. Rejecting the constructive bilateral trade agreements offered by the Chinese and denying normal trade relations would mean severing ties that would take generations to repair.''

I would remind colleagues, this may be the most critically important vote they will cast in their entire career in the Congress of the United States.

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

Mr. FRELINGHUYSEN. Mr. Chairman, American business men and women have eyed China for years, knowing that the sky is the limit when it comes to selling American made goods and services to the world's largest market. But Americans have found it difficult to trade with China since complete access to this vast market has been restricted.

In today's global market, we can no longer afford any restrictions on trade with the world's largest population. We must engage China, and ensure that American companies and American workers have the tools to compete with other nations in Chinese markets. Remember, when America competes, we win. That's why I voted for a permanent trading relationship between the United States and China.

In fact, over the past year I have taken an active role in promoting America's free trade with China. Specifically, in Washington, as a member of the House Leadership's China Trade Team, I have worked with House Rules Chairman DAVID DREIER and my colleagues in support of extending permanent normal trade relations, PNTR, with China.

Back at home, I have met with hundreds of people in New Jersey's business community to encourage them to organize and help spread the word about the benefits increased trade with China will bring home to the Garden State. In fact, Chairman DREIER and I assembled a group of New Jersey's business leaders in April to ''rally the troops,'' so to speak. Joined by the CEO of Honeywell, Michael Bonsignore, we articulated five main points that are deciding factors in my support of trade with China.

First, extending permanent normal trading relations with China is a win for fairness—this agreement forces China to adhere to our rules-based trading system. Without an agreement, there are no rules, and we have no say whatsoever in how China conducts its business with the rest of the world.

Second, it's a win for U.S. workers and businesses—China is an incredibly important emerging market with more than a billion consumers. America's world class businesses, large and small—manufacturers, high tech/biotech companies, entertainers, farmers, financial institutions—know that being shut out of China, especially as China opens its doors to the rest of the world, is a very big mistake.

Third, trade with China is a win for American values inside China—through free and fair trade, America will not only export many products and services, but we will deliver a good old fashioned dose of our democratic values and free-market ideas. These ideals are already percolating in China —interestingly, today there are more Chinese shareholders in private companies in China than there are members of the Chinese Communist Party!

Fourth, international trade, whether with China or any other nation, means jobs for New Jerseyans, and continued prosperity for our state. That's the bottom line. Out of New Jersey's 4.1 million-member workforce, almost 600,000 people statewide—from Main Street to Fortune 500 companies—are employed because of exports, imports and foreign direct investment.

China ranked as New Jersey's 9th largest export destination in 1998, an increase from 13th in 1993. Our Garden State exported $668 million in merchandise to China in 1998, more than double what was exported five years earlier. With a formal trade agreement in place, imagine the potential as access to China's vast market is improved! Enormous opportunities exist for New Jersey's telecommunications, environmental technology, healthcare, agriculture and food processing industries.

Fifth and finally, in the interests of world peace, it is absolutely a mistake to isolate China, a nation with the world's largest standing army, an estimated 2.6 million-member force. America's democratic allies in Asia support China's entry into the World Trade Organization because they know that a constructive relationship with China in a stable Asia offers the best chance for reducing regional tensions along the Taiwan Strait, and for avoiding a new arms race elsewhere in Asia.

I am fully aware of the controversy surrounding my vote. Indeed, humanitarian and environmental issues remain important to me in our dealings with China. But I refuse to believe that if we walk away from China our national interests would be better served. In fact, I am positive to do so would deter from our ability, and our credibility, to push reform in China and around the globe.

As General Colin Powell said, ''From every standpoint—from a strategic standpoint, from the standpoint of our national interests, from the standpoint of our trading interests and our economic interests—it serves all of our purposes to grant permanent normal trading relations with China.''

My vote ensures we give American workers the tools to compete with the world, and win. Moreover, by extending a permanent trading relationship with China, we ensure that China adheres to our rules in the global marketplace, and that along with our goods and services, we export American values and democratic ideals.

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

Under the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURR of North Carolina) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. VELAZQUEZ) is recognized for 5 minutes.

(Ms. VELAZQUEZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 5 minutes.

(Mrs. CHENOWETH-HAGE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

(Mr. NETHERCUTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

(Mr. ETHERIDGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

(Mr. HULSHOF 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 Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

IRANIAN JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

Mrs. ROUKEMA. Mr. Speaker, I rise today to firmly state my outrage at the behavior of the government of Iran regarding the thirteen members of the Iranian Jewish community who are currently incarcerated by Iranian authorities. It is a moral outrage, innocent people are being held against their will just because of their religion.

Iran has a terrible record of human rights violations. According to the State Department and several internationally recognized human rights organizations such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran have been the victims of human rights violations solely because of their status as religious minorities. These include Sunni Muslims, Christians, and Jews.

More specifically, the Iranian Jewish community has been in especially terrible danger. In just the past five years, the Iranian government without having been tried has executed five Jews. There has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press, and many Jews have been forced to flee the country.

Most recently, as I have mentioned, Iranian authorities arrested thirteen Jews, including community and religious leaders in the city of Shiraz. Iran has charged these Jews with espionage on behalf of the United States and Israel, and has pursued their executions. They have been denied visitation privileges during their months of detainment and their fate looks increasingly perilous as time passes.

These Jews, including rabbis, religious teachers and community activists, have committed no such crime. The United States and Israel have adamantly denied any connection to these prisoners.

All the Jews of Iran want is to be able to live in their country, where they have thousands of years of history, while fulfilling their Jewish identities. Efforts to portray these individuals as participants in a ''Zionist spy ring'' are ludicrous. They are innocent and should be released immediately.

Since the beginning of the Islamic revolution, the government has claimed that it respects Jews and the Jewish community. Indeed 25,000 Jews still live in Iran. But this has been a difficult 20 years for the Jewish community in Iran. The government has consistently articulated anti-Israel and anti-Zionist propaganda. A number of Jews have been executed on charges of spying. Jewish property has been confiscated, and there are other reports of other discrimination.

Still, the Iranian government has consistently asserted that it is not anti-Jewish and that the Jewish community is an integral part of Iranian society and plays a legitimate religious and social role. And the worst fears about excesses by the Islamic regime against the Jewish community have generally not come to pass.

However, by charging these innocent members of the Jewish community, the regime seems to be going beyond anything previously witnessed, reactivating some of those long-held fears.

I urge the President to make a strong statement demanding the release of the Iran thirteen. I believe it is imperative that Iran immediately release these innocent individuals and to stop its anti-Semitic behavior.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VOTE NO ON PNTR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we have just witnessed a very fine debate on PNTR, and I thought that I would expand for my 5 minutes' worth a little bit on the points that have been made today.

I think it was vital that people not miss the point that the gentleman from Colorado (Mr. TANCREDO) stressed when he gave his speech, and that was that many of the companies that we are talking about that have been opened up and that people are talking about doing business with in Communist China are companies that are owned by the People's Liberation Army.

What a travesty it is that what we have got, and this is as I have repeated in that debate several times, the essence of what is being decided is whether or not major businessmen in the United States can invest in building manufacturing facilities in Communist China, while what they do when they build these manufacturing capabilities in China, these manufacturing centers, they have to go into business, they have to go into business with a Chinese partner. Who is that Chinese partner? More often than not, the Chinese partner is the People's Liberation Army.

Thus we are providing the capital through the American taxpayer, subsidizing the loans that these businessmen get, guaranteeing the loans so that people will give them the loans they need to create these manufacturing jobs, manufacturing centers in Communist China. They go over there and set them up and who is their business partner? Who is splitting the profit with them? The People's Liberation Army.

The People's Liberation Army that builds missiles with the technology that they steal from us and the technology that they get from us through this economic relationship they have with our businessmen, and they build these missiles. Who are those missiles aimed at? Today because of our policies toward Communist China, the Communist Chinese regime has the capability of killing tens of millions of Americans, and they did not have that capability 10 years ago.

This is not the type of policy that we should make permanent. It has worked against the American people. Why should the American people subsidize a businessman for closing a company here and setting it up in China? We are told over and over again the debate is about selling American products overseas.

Please listen to that debate when you hear that. It is not about selling American products. Almost none of our economic activity with Communist China is the selling of American products. What we are sending over there are manufacturing units. What we are selling to China is the ability to manufacture high technology goods.

We heard it today in the home district of the gentleman from Illinois (Mr. CRANE). Motorola has set up a chip manufacturing company there. Why should the people in his district not be in those jobs, building those chips, in Illinois or in other places?

By the way, just to let Members know, I was in Cambodia a few years ago, and they were having trouble with the millions of land mines that are sown throughout Cambodia. Somebody actually had changed the nature of the land mine, and our U.S. military team was finding they were up against a smart land mine that would blow up if the land mine could sense that someone was trying to defuse it.

Our people finally got it open. They found a chip inside the land mine. The land mine, of course, was designed to blow the legs off children and women and terrorize that society in Cambodia. What was the little chip? The chip came from a Motorola factory that was built by the United States in Communist China, perhaps the one that was built there by the businessmen from the gentleman from Illinois' district.

The fact is we should not be subsidizing businessmen to build factories even in democratic societies, much less subsidizing the building of factories and high technology transfers to the world's worst human rights abuser.

Neville Chamberlain had that strategy with Adolf Hitler. We all remember in Munich where Neville Chamberlain, the British prime minister, gave away Czechoslovakia to the Nazis. We think that was the sellout. No, that sellout started years before when Chamberlain said, we will build up Hitler's economy and have so much investment there, he will never be able to commit aggression because it would have such a deleterious effect on the German economy.

That was his strategy. That mirrors exactly what we are being told now of why we must, quote, engage the Communist Chinese. No one is talking about isolating Communist China. No one is talking about stopping trade. Our people would still be free to do that. But why should we subsidize the investment there? And why should we give up our rights here in Congress for an annual review of what our policy towards China does for the people of the United States?

Making it permanent and giving up our review, is that going to be seen by the Communist Chinese as a commitment on our part to human rights and to protect our own interests? No, it is going to be looked at exactly the way they have been looking at our policy for 10 years. The Communist Chinese leadership thinks we are a bunch of saps, that we do not believe in freedom and liberty and justice, that it is just a matter of cliches. They see us as people who are weak.

We must be strong to protect the interests of the people of the United States, to protect our national security. That means a vote against permanent normal trade relations with China.

CLEVELAND STEAMSHIP WILLIAM G. MATHER'S 75TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, today, May 23, the steamship William G. Mather marks the 75th anniversary of its launching. The Harbor Heritage Society, the Mather's nonprofit parent organization, is hosting a rededication ceremony that began today at 2 p.m. The rededication will take place aboard the Mather which is moored at the Cleveland East 9th street pier.

The Mather has had a presence on Cleveland's waterfront for nearly 75 years, first as a working Great Lakes freighter and, since 1991, as a floating maritime museum. One of the only four Great Lakes freighter museum ships in existence, the Mather exemplifies northeast Ohio's proud heritage as a major maritime industrial shipping center.

A former flagship of the Cleveland-Cliffs fleet, the 618 foot William G. Mather was state-of-the-art technology in Great Lakes freighters when launched in 1925. The Mather is named for longtime Cleveland-Cliffs president and leading Cleveland businessman and philanthropist, William Gwinn Mather. During its 55 years of service, the Mather made hundreds of trips, transporting iron ore from the upper lakes to Cleveland's waiting steel mills. For this reason, the Mather was nicknamed the ship that built Cleveland.

The William G. Mather had a long and distinguished Merchant Marine career. To supply the Allied need for steel, the Mather led a convoy of 13 freighters in early 1941 through the ice-choked upper Great Lakes to Duluth, Minnesota, setting a record for the first arrival in a northern post. It was one of the first commercial Great Lakes vessels to be equipped with radar in 1946. The Mather has been designated a national historic landmark by the American Society of Mechanical Engineers for the following Great Lakes industrial firsts:

First single marine boiler system built by Babcock & Wilcox in 1954, its computerlike automated boiler system built by Bailey Meter Company in 1964, and the dual propeller bow thrusters built by the American Shipbuilding company in 1964.

The Mather retired in 1980. In 1987, Cleveland-Cliffs donated the Mather to be restored and preserved as a maritime museum and educational facility. After an extensive 3-year restoration, the Steamship William G. Mather Museum arrived at its permanent lakefront berth in downtown Cleveland's North Coast Harbor Park. Since its May 1991 opening, hundreds of thousands of visitors and many area school children have come aboard and toured the historic Mather. To date, the greater Cleveland community has invested more than $2.5 million and 250,000 volunteer hours in ''the ship that built Cleveland.''

AGAINST PNTR

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, I am against isolationism, against protectionism, and I am against this deal. Trade with China should not end, but we need to go back to the drawing board. We accept over 43 percent of China's exports. They accept only .7 percent, less than 1 percent of our exports.

Under those circumstances, we can negotiate a better deal. This deal is good for profits, but it is bad for American working families. It is good for the Chinese Communist party. That is why they want this deal so badly. And it is bad for those who want to unravel the power of the Communist party elite in China. This deal is good for the People's Liberation Army and bad for American security interests.

First let us turn to the balance of trade. This deal will make permanent a system that has led to the most unbalanced trade in the history of affairs between nations, a $70 billion trade deficit as contrasted to just a $13 billion market for our exports.

□ 1915

There is tremendous economic power here on Capitol Hill pushing this deal, but it is not from people who think they can make money by producing goods in the United States at labor costs of $20 and $30 an hour and sell them to China where people make 12 cents an hour; in fact, it is the reverse. The big profits, the big corporate push comes from those who would like to pay workers 12 cents an hour and bring those goods and sell them to Americans at American prices, American prices on which they can make tremendous profits.

This deal makes China safe for U.S. investment, because, you know that whatever is produced in that factory by an American corporation with Chinese workers can be brought to the United States at huge profits permanently and without interruption, but I would like to bring to the attention of this House a new report issued by the government agency that is responsible for analyzing these trade agreements, the U.S. International Trade Commission, which reported today that this deal will increase our already enormous trade deficit and cost America 872,000 jobs over the next 10 years.

I should point out that this report was officially requested by U.S. Trade Representative Charlene Barshefsky, the primary mover in the administration to get us to vote for this deal. She asked for the report. When the report said this deal kills American jobs, she said it was premature.

I can understand why she would have preferred that the report be issued only after we vote. I prefer to get information before we vote.

Second, on the issue of human rights; there are those that say that through

engagement, we are going to undermine the power of the Communist Chinese party, but you know who does not believe that? The heads of the Communist Party of China. They know this deal will make them stronger; that is why they want it so badly.

As for the dissidents in China, we do not know what they think, they have got a gun pointed to their head. Are they free to tell us? But most of the dissidents who have served time in China prisons and escaped to the United States are against this deal.

Finally, I would like to move to the newest development of all, because it happened this afternoon. Two of our colleagues, the gentleman from California (Mr. BERMAN) and the gentleman from Pennsylvania (Mr. WELDON) went to the Committee on Rules with an amendment that is fully legal under GATT, and that amendment provides, as follows: Normal trade relations treatment shall be withdrawn if China invades or imposes a blockade on Taiwan.

Mr. Speaker, I believe that the Committee on Rules will not make this in order, because it is not accepted by the administration, because, of course, it is not accepted by China. So we will be asked to pass this bill without the Berman-Weldon amendment, and that will signal China that it can continue to enjoy access to the American market even if it blockades Taiwan.

We ought to make the opposite clear to them, but without the Berman-Weldon amendment, what is the message? That amendment was brought before this House or brought before its official Committee on Rules, it is part of the record of these proceedings. We asked that we be allowed to make it in order. If it is rejected, then who is to blame China for believing that this House has endorsed permanent trade with China, even if they blockade Taiwan. This is now the Taiwan Blockade Authorization Act. Vote no.

WHO ARE THE TRUE DINOSAURS ON TRADE?

The SPEAKER pro tempore (Mr. SWEENEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, The Washington political establishment is looking down its collective elitist nose at those of us who are saying no to legislation that would provide permanent Most-Favored-Nation trading status for China. In their newspaper columns and at their cocktail parties they tut-tut that those of us raising a challenge to that legislation are simply trying to stop economic progress that comes from globalized trade and are, therefore, hopelessly old fashioned. The fact is just the opposite.

Those who say that we must accept the reality of globalized trade and support permanent favored nation status for the Chinese without a major transformation of trading rules are in fact the ones stuck in the past. They are defending a set of absolutist trading arrangements and a set of useful but creaky international institutions that were established at the end of World War II. They give only token recognition to the changes that are needed in these essential but antiquated institutions.

At the end of World War II, visionary world leaders saw Europe in ruins because of Hitler's mad rampage through the middle of the 20th Century. They correctly understood three things:

(1) That Hitler's rise to power in the first place was driven by the fear and chaos that accompanied the collapse of first Europe's and then America's banking system—a collapse that fed the downward spiral of national economies on both sides of the Atlantic and produced catastrophic levels of unemployment and panic.

(2) That Europe must once again be made safe for democracy by rebuilding its political institutions.

(3) That America's long-term economic and political health depended upon rebuilding Europe's economy in order to rebuild world commerce and create markets for our own goods.

To accomplish all of that, the Wise Men, as they were called, organized the Bretton Woods conference which established a new set of institutions—the International Monetary Fund and the World Bank—in order to help rebuild a new global economy and a new trading order. The mission of the Fund was to insure stability in monetary exchange. The mission of the Bank was to assist nations in the task of economic development and reconstruction.

Those institutions helped to produce phenomenally successful results. The world escaped the kind of global recession in the years immediately following World War II that had historically followed other great conflicts. In the decade that immediately followed Bretton Woods, most of the war-torn European economies bounced back above their pre-war levels. In subsequent decades, the world's economy more than tripled in size and continued an expansion—with temporary interruptions to be sure—that has now lasted for more than 50 years.

That happened despite the fact that nearly half of the world's population continued to struggle under the yoke of communism for most of that period. In fact, the powerful contrast between the prosperity of open market economies in the West and the desperate situation faced by those condemned to live under centrally-planned economies ultimately contributed greatly to the demise of the Soviet Empire.

That success was accompanied and abetted by expanded trade which also contributed to prosperity of both America and our trading partners. The result was that at least through the mid-70's a rising tide lifted all boats. Almost all families, whether they were headed by a corporate CEO or a janitor at the company run by that CEO, shared in that expanding prosperity.

But in the last two decades, changing realities have also changed results. First, the nature of trade itself has changed in three fundamental ways:

(1) Fifty years ago, as my colleague BARNEY FRANK has pointed out, when the post-war rules of the trading game were first established, products produced almost entirely in one nation were exchanged with other products largely produced in a different nation. Today, multinational companies produce polyglot products—goods and services produced in a number of countries and those goods and services are exchanged in large part for other goods and services of the same nature.

(2) As trade between highly developed, high wage countries and underdeveloped low wage countries has become a larger and larger share of the mix, negative side effects have appeared in high wage countries like ours. A downward pressure on wages because of that expanded trade between very unlike economies has reinforced other economic trends and policy actions, producing an ever-widening income gap between the investing class and the working class. A rising tide no longer lifts all boats. In fact, the ability of those with large amounts of capital to pay any price necessary for what they wanted has, in the global economy and local neighborhood alike, driven some costs far above what can be afforded by those whose boats are anchored to low wages. That has happened with the price of housing. It has happened with the price of education—especially at private institutions. It has happened with the price of medical care.

(3) Downward pressure on wages in economies like our own have been accompanied by greater incentives to minimize environmental costs that go into any product because we are told those products are in competition with products produced in countries with much less concern for either well-paid workers or well-protected environments. That has made it more difficult to protect gains that industrial countries have made in raising worker living standards or cleaning up the environments in which they live.

And now we find in this new era that institutions which were established 50 years ago to promote world recovery and world trade—institutions which at the time undoubtedly produced winners across the board—now often use their influence to push underdeveloped countries to follow practices that attract and retain investment at the expense of those other economic and social values.

There's no question that in macro economic terms totally open trade can produce more goods at lower costs worldwide. And normally that would be a blessing.

But when that becomes the only goal or at times the only result, it carriers a high price for those who do not possess large amounts of capital because their wages cease to rise. And the communities they live in come under pressure to allow corporations to do less and less to clean up pollution, all in the name of remaining globally competitive in a world where there are almost no restraints on the movement or the power of capital and ever increasing restraints on the power of everything and everyone else—governments, consumers, and labor.

Capitalist economies cannot by definition produce equal income for all people. Each society needs risk takers who can amass wealth so that accumulated wealth can be invested to produce economic growth for the entire society. That is bound to produce income inequality. But as Pope John Paul once observed, there are certain ''norms of decency'' that must be respected in order to produce economic justice and the social cohesioin that is necessary for any economic system to function. The last two decades have produced just the opposite—the widest gap between the wealthiest 1% of our people and the least wealthy 20% of any time since the birth of the 20th Century.

Since new globalized trading realities have helped produce that problem, they must also be part of the effort to fix it.

In our society the gap in income—in education, in housing, and in medical care—has grown disgracefully worse. Those who in this economy suffer most from that fact—largely manufacturing workers in industries with declining employment or workers with less than average skills—cannot be expected to roll over and say, in the words that Walter Cronkite used to sign off his CBS news broadcast, ''That's the way it is.'' As my colleague BARNEY FRANK has noted, Alan Greenspan, the Chairman of the Federal Reserve, has said that we must not allow our ''inability'' to help workers who are being injured to reduce our support for open trade. But, in fact, as BARNEY says, ''the problem we face is not inability, but unwillingness to do so.''

The issue here is not really China. China just happened to be the country that triggered this debate. The issue is whether America's policymakers who have helped magnify the income gains of the most well off in our society by squeezing the economic positions of the most at risk families will recognize their moral obligation to change course. The issue is whether those in this society—the investing class, the managing elite, the venture capitalists, the multinational corporations who have so much to gain by further globalization will be willing to see a tiny fraction of that increased wealth used to help those who will otherwise be caught in the prop wash of their incredible prosperity.

When a doctor administers cancer fighting drugs, he knows that he must also deal with the side effects of those drugs or his patient will not be able to tolerate the drug and will die. Isn't that just as true of the negative side effects of globalization on the lower paid, underskilled workers caught in the wake of economic change?

If we are to embrace the change that globalized 21st Century trading produces, we must reshape the institutions that will regulate and govern that commerce. We need a redefinition of the role of the IMF, the World Bank, and other international financial institutions, and never institutions such as the World Trade Organization, so that the interest of labor and the environment are represented at the table when trading decisions are made—not just the interests of capital and governing elites.

We need a second Bretton Woods conference to both modernize and humanize trading relationships or we will lose in the 21st Century the gains we have made in the 20th in establishing a balance of decency between the needs of the corporate-based market economy and the needs of a family-based society!

That means a new set of trading rules, a new set of power relationships, a wider representation of interests at the table. And it means a new commitment on the part of this Congress and this society to much greater educational opportunity and training opportunities for workers and children in working class families. It means a willingness to do more with the tax code to provide as much reward for the work of the lower income working class as we provide for the highest income venture capitalists. It means rebuilding a health care safety net for the families of workers whose corporate employers are being squeezed by the pressures of globalization to shrink that safety net. And it means all of those things before and not after we give away our leverage to obtain them.

Demonstrators in Seattle and Washington may have aimed their protests at some of the wrong targets, but that should not obscure the injustice which produced those demonstrations. As BARNEY FRANK has said, ''the choice is not between isolation and integration, but between a global new deal and a global extension of the trickle down theory.''

Those who want us to approve their rules without first changing the rules of the trading game that contribute to this injustice are the true troglodytes and dinosaurs. It shouldn't be too hard to find common ground, but first you really have to want to. When those who want us to get on with the game are willing to change the rules to minimize the brutality of the game for those in our society who are not economic superstars, then they will find a lot more of us willing to play it.

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.)

OPPOSING PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise in the strongest opposition to the proposal for permanent trade privileges with China. Trade does not bring freedom, only enforceable laws in democratic republics bring and carry and assure freedom. Trade does not build a middle class, only laws governing workers rights to organize undergird middle-class wages and benefits.

Before World War II, Nazi Germany's largest trading partner was England, and for the United States, Japan, did that stop totalitarianism's rise? Trade with Communist countries does nothing to assure that those doing the work reap any of the benefits; that is why the United States for so many years has held sacred its special laws governing trade with Communist nations. And now that the United States has been victorious in defeating Communist regimes in most corners of the world, some will choose to abandon the legal structure that we held in place called most favored nation replacing it with the toothless normal trade relations statute that we are about to debate tomorrow.

Trade with Communist countries does nothing to assure that those who do the work reap the benefits. Permanent trade status for China will only serve to lock in the exploitative system of agricultural and industrial servitude that is China today; this is not a fight about expanding America's export markets.

This is a fight about China becoming a vast export platform 12 times the size of Mexico, taking our markets in Asia's Rim and sending the glut of sweatshop goods back here to our shores.

When NAFTA passed, the proponents said it would result in a huge export market for the United States and Mexico and that Mexico's workers' wages would go up and there would be no downward pressure on wages and benefits in this country. Look what has happened, Mexico now exports more cars and trucks to the United States than the United States does to the entire rest of the world.

Our Nation has hemorrhaged tens of thousands of jobs, of living wage jobs, to Mexico, and now the China drain will accelerate if this measure passes. Mexico has turned into a major export platform, not an export market. Just look at the label on your television or your car engine or your truck or your electronic gismo, everything coming in here; the only thing America is exporting to Mexico is our middle-class jobs. And they are not getting paid middle-class wages.

In the end, this fight on China is a heroic fight. It is a fight for democratic values in the harsh countryside and in the industrial sweatshops where most Americans will never be allowed to travel in the Nation of China. It is a fight indeed for the Chinese people, and the fight most of all for American principals. Will we side with the chauffeured limousine class, the advertisers, the retailers, the global companies who soothingly tell us, Everything will be just fine? But by their shear power and money, they hold sway over the visual and printed media in this country.

For those fighting permanent trade privileges for China on the basis of democratic values, I say hurrah. Praise freedom lovers and the imprisoned China Democratic Party leaders for whom we speak here on this floor tonight.

For those fighting permanent trade privileges for China on the basis of religious freedom, I say God bless them. And for those fighting permanent trade privileges for China on the basis of freedom of assembly, whether it is for the Falun Gong or the murdered freedom fighters in Tiananmen Square, I say history will judge you as righteous.

America's values are freedom and valor. As we move into this Memorial Day week, let us renew our promise as the world's premier freedom fighters. Vote for freedom. Vote ''no'' on permanent normal trade status for China.

Mr. Speaker, I include for the RECORD a letter sent by Wei Jinh Sheng, who spent nearly 2 decades of his life in Chinese prisons. Why? Because he fought to be an independent democratic political leader in his own country.

He says to us, ''Supporters of this agreement are wrong. The United States is giving up something of profound importance if they were to approve this agreement. Please help us fight Chinese tyranny.''

Please read his words in the RECORD, and tomorrow vote ''no'' on permanent trade status for China.

Supporters of Permanent Normal Trade Relations (PNTR) for China tell us the US is giving up nothing in its trade deal with the regime in Beijing, that China is making all the concessions. This claim is false.

The US is giving up something of profound importance—its ability to aid people everywhere in their struggle for human rights and democracy. The US has enormous power, due to its economic leverage. Although the US has been reluctant to use this power against Chinese tyranny, the power exists; Beijing recognizes this fully, even if the US does not.

The annual renewal of China's ''driver's license'' on trade may have become routine, but the power to grant the license remains critical. That is why Beijing is desperate to obtain PNTR, and rid itself of this power. That is why both Rep. Levin and Cox's proposals, no matter their very fine points, are ''toothless'' if this power is not retained. The hope that the World Trade Organization (WTO) and the World Bank will place limits on China will amount to little, for multinational financial institutions are woefully inadequate to take over responsibility of the US Congress. It may not follow the US lead in any event.

Framing the debate on WTO and PNTR as ''keeping the door open'' is misleading. America's door is open. The door to China is only half-open. However, the Chinese people have learned that they lack the rights other people enjoy. If this were not so, the enormous uprising in hundreds of Chinese cities known as the 1989 Tiananmen movement would never have occurred. Yet the door to China remains and will remain half-closed, because that is the way to retain power under tyranny.

Trade alone simply cannot open the rest of China's door. If the US Congress grants PNTR now, it legitimizes this half-open/half-closed status. To certify Communist China as ''normal'' in its abnormal state would deprive reformers within the government of needed pressure to push for change.

The claim that PNTR gives American access to the ''vast Chinese market'' is specious, because it does not exist. Simply put, we cannot construct the ''vast Chinese market'' without first the rule-of-law being instituted, as President Lincoln put it, ''by a government of the people, by the people, and for the people.''

In fact, the multinational business community is making an unholy alliance with Chinese tyranny. The Communist government uses brutality to subjugate Chinese workers while U.S. corporations use the threat of moving their businesses to undercut American workers' demands. Businesses in China's neighboring countries—Japan, South Korea, Thailand, Taiwan, and Hong Kong—will use ''slave labor'' to China to flood the U.S. market. PNTR is a loss-loss proposition for most workers in Asia and America, but especially for China's. The business community should not be so complacent, because Chinese tyranny will redirect Chinese people's anger against them toward the outsiders.

The majority of pro-democracy organizations are against PNTR, yet a few prominent individuals in China have announced their support. Why such contradiction? The question we must ask is how much can we credit the words of kidnaped victims when they are at the mercy of their captors? The answer is not much. We simply cannot take the current opinions of Bao Tong and Dai Qing to represent their true thoughts, nor can they represent the opinions of others, when Bao and Dai have long been in the grip of a tyrannical government.

Those who have experienced brutal oppression and insidious threats understand their quandary. We can, and must, express sympathy for their deplorable and excruciating plight. My criticism is not directed at them personally, but at the tiresome propaganda regularly doled out by the Chinese Communist Party and their supporters in the United States.

Still, the basic principle against PNTR is very simple: if PNTR is granted, the US surrenders its power to be a force for positive change in China—its power to promote human rights, to deter China's increasingly aggressive military posture, and as well, to compel the regime to live up to its economic promises. How can anyone call this nothing?

Wei Jingsheng has spent 18 years in prison for insisting on speaking the truth to power.

These comments are based on Chinese government honoring its commitment that they will do, but they don't.

COMMENTS

There are reports of ''dissidents'' in China who support PNTR. First, we'll know that without freedom of speech and press, the Chinese government controls what they want Chinese people to know. Secondly, please put yourself into their shoes—when the hostages speak kindly of their captors and ask you to believe what the captors say that they will follow their promises would you believe that?

GENERAL LEAVE

Mr. GREENWOOD. 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. 4444.

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

There was no objection.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, this evening my colleague, the gentleman from North Carolina (Mr. BURR), and I are going to do a special order on the Medicare prescription drug benefit. As most Americans know, 1965 was a critical moment in America's health care history. That was the year that the United States Congress and the President of the United States enacted Medicare.

Prior to that time, if you were elderly or if you were disabled, you could not provide for your health care. You did without health care. You had no regular doctor's care. You had no access to hospitalization and you suffered and you died early.

In 1965, America proved its humanity and proved the level of its civilization by caring for its elderly and eventually extending that Medicare benefit to the disabled.

When it did so, it did not include a prescription drug benefit. It did not, because it was an awful lot to accomplish just to get the physician coverage and the hospital coverage. At that time, prescription drugs were not nearly as utilized as they are today. But, today, the miracles of modern pharmaceutical industry, the miracles provided by the work on the human genome and biological products have brought us to a point where if you do not have access to a pharmaceutical drug benefit, you do not have access to first rate health care, you do not have access to the best health care in the world.

For years, we folks in Washington in the Congress and White House have talked about how terrific it would be if we could create and add a prescription drug benefit to Medicare, but it has been all talk for a lot of years, and now it is time for action.

The reason it was all talk and no action heretofore was because this country was not in any state financially to provide a Medicare benefit. We were adding a $250 billion to the national debt every year, we were spending money like drunken sailors in this town, and there was no way that we could continue that practice and then add to it the addition of a prescription drug benefit.

But, since 1994, the Republicans in the Congress have changed the direction of the country. We have reformed Medicare itself to make sure that it will last well into the future. We have reformed welfare, removing ultimately half of the welfare recipients from dependency to work and to independence. We have balanced the Federal budget for several years in a row now. And in the current fiscal year, we have taken Social Security off budget and made sure that never again would the Social Security surplus be spent for other causes than Social Security.

We are now finally paying down debt. By the end of the current fiscal year, we will have paid down $250 billion in debt; and we expect, at the rate we are going, to have the United States national debt paid off by about the year 2015, if not sooner.

We have done all of this, and still we have a surplus, so this millennial year is the year we can step up to the plate; and we can provide a prescription drug benefit to America's elderly and America's disabled.

While two out of three Medicare beneficiaries in this country do have access to some kind of prescription drug benefit, that coverage is often scant and shrinking. Many of our seniors on Medicare-Plus Choice have seen that their plans have had to pull back their benefit and now, for instance, are only providing for generic coverage and not providing for the brand coverage, unless there is a very expensive extra payment paid by the beneficiary.

For those without coverage, the choices are grim. There are miracle drugs available to humanity today, but if you are an elderly woman, an elderly widow, living on a small Social Security stipend, and you have Medicare

but you have no access to prescription drug coverage, there is no miracle in that miracle cure. If you are an elderly gentleman in the same position, there is no miracle in the miracle cure for you. That is the same with the disabled in this country.

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These folks are pressing their faces up against the glass windows of the drugstores knowing that while inside a prescription that their physician could write for them exists that could relieve their suffering, that could extend their lives, that could improve the quality of their life, that is not available to them. This is the year for the United States Congress to act and to do it in a bipartisan fashion.

Mr. Speaker, I would like to now yield time to my friend, the gentleman from North Carolina (Mr. BURR), who has been working with me and other members of the Committee on Commerce as well as the Committee on Ways and Means to craft this proposal that we hope to have introduced in the very near future.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I thank my good friend from Pennsylvania. The gentleman makes a good point, and that is that if Medicare were a program that we developed today, certainly drug benefits would be part of the coverage given the access that drug benefits have to private sector plans that every employer offers to their employees. But the fact is that in the 1960s, that was not a common part of health care coverage, because very few new pharmaceuticals hit the marketplace, and most of the antibiotics were around for years and years. We worked to reform the Food and Drug Administration, and we started in 1995 and we completed that task, I believe, in 1996 or 1997, with a signature by the President, an agency that controlled 25 cents of every dollar.

The reason that we modernized the Food and Drug Administration was we understood the great task that was before them. The FDA is an industry that this year will put $21 billion, and that is with a ''b'', into research and development. We understood that if we could unleash this industry as the human gene was mapped, that through these pharmaceutical companies, we could find cures to terminal and chronic illnesses that currently in our system today we treat and, at best, maintain through a very expensive delivery system. But we owed it in a quality-of-care way to make sure that if we could reach cures for cancer, for AIDS, for diabetes, that we put every incentive in the system to make sure that the private sector invested their money, their time, to hopefully find these breakthroughs.

Now, we are on the verge of breakthroughs. This year alone, the FDA will approve over 30 new drug applications. Not every one of them will be a big contributor to savings or quality of care, but we are clearly on the road to new therapies that we have not had in the past.

Mr. Speaker, let me say to my colleague that I think it is important that, when we talk about adding a drug benefit to Medicare, most people think of seniors. But we have a large group of disabled Americans who qualify for Medicare benefits. We cannot do a program that leaves them behind. Everybody that is eligible for Medicare has to be included under the umbrella of coverage for pharmaceuticals. It has been very challenging for us as we have designed a program also to make sure that it dovetails with the 14 States that currently offer it.

Pennsylvania is a great example. It probably has one of the most generous plans in the Nation.

Mr. GREENWOOD. Mr. Speaker, we have 300,000 participants in our program.

Mr. BURR of North Carolina. And I think it goes up to 225 percent of poverty.

Mr. GREENWOOD. All supported by our lottery.

Mr. BURR of North Carolina. All supported by the lottery. If every State had a plan, we probably would not be here tonight. We would probably have seniors with coverage that needed it. But there is still a greater need, and that is to produce a value for those individuals who do not have the option of insurance. They may have more money, but the plans just are not available. And what we are trying to do is we are trying to create new options through the private sector, which I believe is the single most important thing.

We have some disagreements between Republicans and Democrats. They are becoming smaller and fewer. One of the major ones that will continue, though, is currently the Health Care Financing Administration administers the Medicare benefit. I am not sure of very many seniors or health care professionals or hospitals, even my mother understands the problems that exist at the Health Care Financing Administration, because she has been in the hospital lately. The reality is does Congress really want to turn a new benefit that is so vitally important, over 38 million Americans, over to an agency that cannot even figure out what to do with the technological change of intravenous drugs that can now be delivered at home with a self-injection method?

Mr. GREENWOOD. Mr. Speaker, that is one of the problems. They say, where there is a will, there is a way. There is a will to get this done. Republicans want to do it. We happen to be Republicans; we have been working hard with our Republican colleagues. Democrats on the other side of the aisle sincerely want to do it. House Members want to do it, the Senate wants to do it, the President wants to do it, the elderly want us to do it, the disabled want us to do it, their families want us to do it, the pharmaceutical industry wants us to do it. Everyone is for this. What there is is a legitimate set of differences of opinion. The gentleman is talking about one right now.

The question is, do we want to give this program, this new benefit, to the same bureaucracy that has been administering the current one? I do not think there is a beneficiary on Medicare who can tell us or anyone else, they certainly do not tell me at the senior centers, that they understand the paperwork that they get related to their Medicare and they would like to have more paperwork related to their Medicare and they would like the decisions made about their health care to take as long as ones do today.

The fact of the matter is that what is available at the drugstore is changing at the speed of light. Every day, practically, we can find new products out there in the drugstore. What we are concerned about, the gentleman and I are, is that we do not want it to be the case that the Food and Drug Administration approves a new cure for arthritis or a new treatment for colon cancer or a new medicine that will relieve suffering. The doctor says to the Medicare recipient, boy, this is a great drug for you, I wish I could give it to you, but the bureaucrats in Washington, it is going to take them a long time, as it would a bureaucracy, to get around to figuring out how much to reimburse for this product and so forth. So we are looking at a different system, a system that would create a separate board that could make those decisions quickly so that these beneficiaries do not have to wait and suffer in hospitals, or maybe die, while they are waiting for a Federal bureaucracy to get around to making sure that this product is available for them.

Mr. BURR of North Carolina. Mr. Speaker, if the gentleman would yield, I am not sure that there are very many seniors, if any, in the country that would tell us the creation of a new agency whose sole function it is to make sure that the Medicare drug benefit is run effectively and efficiently is a bad thing. But clearly, that is a difference that we have in Washington. It is a difference that will probably exist until this bill becomes law. My hope is that it is this year; that, in fact, that long list of individuals that you talked about, Republicans, Democrats, the President, the bureaucracy, when they say that they are interested in a drug benefit, I hope that they are talking about today, this year, the 106th Congress, not the 107th, because clearly, we know individuals who do not have the capabilities to pay for their prescriptions today, who go without that prescription.

As the gentleman and I both know, because we deal in Medicare from a standpoint of the big picture of Medicare, when those individuals make a decision not to take their antibiotics or not to take some drug that has been prescribed, the likelihood is that the

result is that they end up in the hospital. When they end up in the hospital, we have a greater cost to our Medicare system than the $100 prescription that they should have taken for 2 weeks.

Mr. Speaker, for the first time, I believe that the Congressional Budget Office recognizes there is a savings to making sure that everybody has a benefit. The gentleman and I went through the expansion of Medicare coverage several years ago when we included mammograms, PSAs for prostate cancer, and diabetes daily monitoring, and we now cover those under the normal Medicare coverage. But it took us a long time to convince people that it was actually less expensive to supply a daily monitoring strip for diabetics than it was to pay for amputation or blindness. Put the quality of life aside for a second; the sheer dollars were more beneficial. Bring the quality of life in; and clearly, this is something that we should have done much sooner than 2 years ago. But we are finally there.

Now, we are talking about the expansion of an area of Medicare which will give us a new treatment method for the majority of the problems that seniors and the disabled run into, where hopefully, we can eliminate the hospital stay. Hopefully, this is a method of treatment where an individual can take it at home, and we do not have the transportation needs that are a problem with many seniors. Clearly, this is a benefit that we have a responsibility to find a way to get it into law.

Mr. GREENWOOD. Mr. Speaker, there is no reason why we cannot do that. It is oh so easy in politics to point fingers and bash the other guy for political gain, but the fact of the matter is that the gentleman and I have both discovered that all of the intelligence does not lie in one party or another here in Washington. It is not all in the House or all in the Senate. It is not all in the Congress or all in the White House. But in fact, there are good, decent thinking people in all of those places that really want to get this job done.

To the extent that we can recognize that we have some different ideas, some people want to go strictly to a price control mechanism, some people want to attack the issue of what happens when one goes across a border to Canada or Mexico, some people, as the gentleman and I do, want to create an insurance model where we think for a very reasonable amount we can create a system where every American, regardless of income, will be able to afford this benefit, and for the lowest income, the Federal Government would pay for all of it.

Mr. BURR of North Carolina. Mr. Speaker, let me make this point here. A voluntary plan, a plan where we create the benefit and say to the 38 million seniors and eligible disabled, it is your choice. If you currently have coverage that was extended by an employer in your retirement, you do not have to, you do not have to buy into the Federal plan. It is an option. It is a vast difference in approach from the catastrophic debate of 1993 or 1994 when we, or it may have been earlier than that, when we asked seniors to pay more for something they were already getting for nothing.

Mr. GREENWOOD. They were not very happy about that. We all remember Chairman Rostenkowski's car being rocked by a group of seniors because essentially what the Congress was saying is that if you already have this benefit, we are going to make you pay for it anyway. As we said earlier, two out of three beneficiaries already have some kind of coverage.

Mr. BURR of North Carolina. One thing that we learned is that not every employer planned for their retirees' coverage. It may cover a very narrow set of generics or certain areas of the drug industry. We have designed this Medicare benefit to say to employers, if you made a promise to retirees, why do you not look at this new plan which might be better coverage and less money and buy your employees, pay the premium for them to be a part of this, supply the deductible for them. Let them be part of a larger plan where we really leverage the volume of individuals in the Medicare plan by pooling them all into these private sector entities, companies that are willing to create different options because of the size of the pool they are interested in participating, interested in designing a benefit package that might fit the different health care needs.

Mr. GREENWOOD. Mr. Speaker, our staff, and we with our staffs, have been working very hard at this for a long time. The goal is clear, but the way to get there is complex and it is difficult and it requires some very complex calculations about if we raise the eligibility level, for which the Federal Government will pay for anything, what does that do to the cost, and where can we put the stop loss benefit for the insurance industry so that it is willing to sell the product at a price that everyone can afford. That is complicated stuff. But we can get there, and we can get there working across the aisle; we can get there working with the White House.

I would hope that anybody watching C-SPAN this evening would take from listening to us this evening that number one, it is time to do this; number two, the country is financially in a position to do it; number three, there is universal desire and commitment to do it in Washington.

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Number four, it is complex.

Number five, anyone who demagogues this issue is really doing a disservice to his country.

I have heard so many speakers, unfortunately on this floor, pointing fingers at one party or the other saying their plan is better than ours or our plan is no good or nothing is being done, or I distrust the motives; I think this special interest is being served or that special interest.

I would hope that as this debate moves on and as we hopefully get to the point where we can put a product on the President's desk and that hopefully he will sign it, that those who are frequent callers to C–SPAN, for those who are frequent correspondents to their Members of Congress or phone their Members of Congress, that they call to task any Member of Congress or the President, if they see those Members or those politicians try to take political advantage on this issue. This is not the time to do this. This is the time for bipartisanship. This is the time for putting our heads together and getting something good done for the benefit of the country, and I think we can do that.

Mr. BURR of North Carolina. I have to think that if an administration that is Democrat and a Congress that is Republican can get together and be on the same side of a trade bill with the People's Republic of China, that surely a Democrat President and a Republican Congress could get together in a bipartisan way to design a drug benefit for the seniors and eligible disabled in America. Clearly, the trade deal has to be more difficult to put together. We know, because we are here, that it is not partisan. There are Democrats on one side along with Republicans, and there are Republicans and Democrats on the other side, and at one time the administration was split. To some degree, it is regional across the country.

Health care is not regional. Health care is something that we ought to make sure is the best for every person who is eligible.

One of the additional tasks that we were given, though, is not only did we have $40 billion to work with over the next 5 years, we were also given that task that says make sure that the long-term solvency of Medicare is protected. Make sure whatever is done does not bust the bank down the road.

We know, as seniors know probably more than we do, that health care costs, specifically pharmaceutical costs, are rising. If they have 30 new drugs next year and 11 of them are targeted toward illnesses that seniors are prone to have, we know that our pharmaceutical cost in this country is going to continue to rise; and hopefully, we have taken that into account. That is one of the reasons that we have chosen the private sector to produce the plans because clearly they have a better history of the efficiencies in health care than does the Health Care Financing Administration or any Federal agency, and I would include Congress in that as well.

Mr. GREENWOOD. If I can refer to this chart here, the gentleman referred to the difference between us and the seniors, and despite the color of my hair I am hoping to continue to be able to see that difference between myself

and my parents. And yet if we look at this chart, we will see that in 1999, and this is probably very much the case now, medication is used by about 33 percent of seniors today. So about 1 out of every 3 beneficiaries needs a drug product on a regular basis.

By the time this gentleman is about 80 years of age, and I expect to be alive and kicking at that time, 51 percent of the seniors, of our generation, will be medication dependent. So this is not an issue of importance only for those who are above 65 years of age today or who are retired. It is an issue for us because they are our parents today. We love them, and we care about them. But it is also an issue because in the relatively near future it will be, the gentlemen and I, in our retirement, very much not only in need of these prescription drugs but having available to us prescriptions that certainly are not available to our parents today.

Mr. BURR of North Carolina. One thing we have both seen is that anything that we do in the Medicare model is usually replicated at some point not too far down the road in the private sector plans that employers provide for their employees.

I know that the gentleman is familiar with a frustration that we have had over the years in Medicare, which is their policy as it relates to organ transplants for seniors. Under any organ transplant in the world, the recommendation is that the recipient takes an immunosuppressant drug for the rest of their lives to make sure that the rejection of the organ does not take place, but our current policy in Medicare is that we will pay for the immunosuppressant drug for a 3-year period after the transplant.

It is an amazing thing that when seniors go off of the drug, because the cost is high, that maybe in the 4th year or 5th year or 6th year they begin to reject the organ. But what is our health care policy in Medicare? We will actually pay for another transplant, but we will not pay for the immunosuppressant drug any longer than 3 years.

So it really does make a lot of sense why we are here today talking about a drug plan that even some of the entities that oversee Medicare are not enthusiastically out front leading the parade saying we have to have this benefit and it needs to look like this. Because clearly they cannot make the decisions today to extend drug coverage even in the cases where we know it makes a difference in the quality of life but where we know also the option is another very expensive transplant that makes the solvency of the Medicare Trust Fund even shorter than where it is today.

Mr. GREENWOOD. These prescription drugs, as miraculous as they are and as beneficial as they are, are increasingly expensive. Not only are they expensive, it is not simply that the price of a particular medicine goes up and up and up; but as this chart here shows, the total pharmaceutical spending between 1993 and 1999, the annual increase in those costs, continues to go up.

So it is not just, if we look at these pink indications here, the CPI, the Consumer Price Index per year, has been pretty low; but because of the addition of new products on to the market, the increases in some of those products once they get on the market, what is being spent, the costs for all pharmaceuticals paid by individuals and hospitals and insurers continues to skyrocket. It is a situation that demands our response.

Mr. BURR of North Carolina. Not only are we faced with a situation where pharmaceutical costs continue to increase at double digit rates, we also look at a growth in the senior population. We know from looking at the demographics that really do not lie, as seniors grow older, as one reaches that magical age of 65 long before I do, then in fact the population eligible for Medicare over the next 15 years will grow from somewhere in the neighborhood of 38 million today to somewhere in the neighborhood of 75 million.

So if this were a company we were at and we were trying to do long-term planning as it related to our costs, we would look at some of the things down the road that we knew were going to happen and we would try to address those as early as we could so, in fact, the impact was more predictable, our options were greater and the cost was less. That simply is what we are talking about doing with the drug benefit in Medicare.

We know that the senior population will double over the next 15 years. We know that pharmaceutical costs are going to continue to rise, in part, because we have the gold standard in the world in the FDA of drug approvals. We know when drugs come through that they have passed the safe and efficacy standards. That does not mean that we do not have some after-market approval problems, but hopefully we have an FDA that is on top of that and monitoring it and getting a lot better.

The reality is that as we see the population increasing, as we see the cost of drugs increasing, is not the smart thing for Congress and the administration to do this year to pass a drug benefit to watch that benefit to make sure that in fact it is the type of benefit that seniors need; that it has the cost controls that we know we have to have for the long-term; that we begin to accumulate some information about whether we have chosen the right option up front before the senior population doubles, in case we guessed wrong, and we could go back and change the way the benefit is offered or how the benefit is paid for while the size of that senior population is 38 million versus when it becomes 70 million and our options are so few?

Mr. GREENWOOD. That is an issue for our children. How they are going to be able to pay for the costs of our retirement. This issue gets complicated, and I know some of the viewers across the country watching this tonight are maybe trying to decipher all of this language and sometimes we in Washington use language that is a little difficult to decipher.

Let me try to give some perspective as to how different folks around the country might see this. First off, if one is retired now or soon to retire, and they have a good prescription drug benefit because they work for an employer, a government employer or a large Fortune 500 employer that provides coverage, and they are in pretty good shape, they do not need to worry about this because they are not going to be forced to buy anything they do not need. They are in good shape.

If that changes at any time, we think we are going to create some products in the market that they want to avail themselves of but no one is going to force anything on them. If they are retired or disabled today and they are one of that one out of three who does not have access to a prescription drug benefit, what we are saying to them is we are going to make one available to them and one that they can afford. And we think we can do it very soon.

If one is low income, if they are at that 135 to 150 percent of poverty level and they do not already qualify for Medicaid or a State-run lottery program, the Federal Government will pay all of their premium. So this is really a great benefit for them. It is at no cost and it is real coverage and they do not have to wait until they get to some catastrophic level. It is there.

If, on the other hand, they do not have the coverage or they expect that by the time they retire they will not have the coverage and they are middle- or upper-income, they just want access to it, they just want to find something they can afford, we think that somewhere at a cost of about $50 a month, as a Medicare beneficiary they will be able to buy this coverage just like they do now, through their part B premium, pay for the extra coverage to go to the physician and the outpatient care and so forth.

So from many of those perspectives, it is a good deal.

Let me make one other comment before I yield back to the gentleman. If one is a taxpayer out there and they are looking at this saying, yes, it is great for Congress to provide this coverage; but we do not want to see the budget broken again, it has been broken before. This is not free drugs for all, this is a prudent, affordable plan that tries to make it affordable at the low-income level and make it affordable at the middle- and upper-income level with those folks contributing something out of their pocket so that they understand this is a shared responsibility between the Federal Government and the Medicare beneficiary.

Mr. BURR of North Carolina. The gentleman is exactly right, and I think for the average American who watches the nightly news or reads the morning

paper, they would probably go away from that news show or from that article in the paper thinking, my gosh, Republicans are over here and Democrats are over here as to who they are trying to help, and the reality is that we are both right here.

We are targeting the same people who do not have an annual income that is big enough to afford housing and food and health care costs, where we are going to supply a government subsidy. We are looking at a group right above that where we are trying to figure out how can we do some type of phase-in subsidy to help them?

Then we are looking at the group above that saying they are not all high income, but they have the capabilities to buy into a plan to have coverage.

The discrepancies between the plans that are being floated in Washington are not about who is being covered. We are using the same $40 billion pot of money. It may be configured slightly differently. The President gives a subsidy to everybody on the front end. He lowers the price of everybody's premium so it is more attractive. We choose to have a market value on the premium, and we go to what we refer to as the stop loss, a certain dollar amount on an annual basis where we say to a senior if they reach this, if they really get sick and they reach this point, they do not have any additional cost past that. Their plan picks up 100 percent of it. There is no co-insurance. There is no copayment, once they reach that point.

The President's plan does not do that. He subsidizes the premium costs. We subsidize the high risk so that, in fact, we can say to seniors and disabled who are eligible for Medicare they will never lose everything that they have because in any given year they have a significant illness.

I think that is the role of the Federal Government. That is the definition of a safety net when things get tough, they are there. What we have tried to do is design a plan that says let us put value, let us be honest on what the cost is, let us give people confidence in who they deal with, which is usually not the Federal Government, that is why we chose the private sector, and let us say at what point their exposure stops, at what point do they reach where they do not have any additional costs.

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To some degree, it is criminal for us to ever present a plan that would suggest to individuals when they really get sick and they exceed a certain amount that the burden falls 100 percent on them, when they have reached that point where they might have 100 prescriptions filled in a year. That is when they need us to kick in.

We are trying to design a plan that gives them coverage underneath and security underneath, but more importantly, security for what is unexpected. We know in health care that happens many times.

Mr. GREENWOOD. Mr. Speaker, security is what all seniors want. It is what we will want when we are seniors, and that is the security, the peace of mind to know that I do not have to worry about whether I can afford the drugs that my doctor says I need. It is as simple as that. I do not have to worry about whether I can afford the drugs, the medicines that my doctor says I need. That is what we ought to be about providing for Americans.

I have what I call my Medicare prescription drug advisory group at home. I have seniors, I have disabled folks, I have the local pharmacists. We sit around and meet regularly and talk about this issue and talk about where the hardships are and talk about the people. Particularly, the druggist is an interesting participant because he talks about the people who come into his little store, his corner store, and try to buy a prescription drug, and he has to turn them away if they do not have a plan or they are shocked by the cost of this. For those people, there is no peace of mind; there is no security that the American dream afforded by these miracle products is for them.

But the bottom line is that we can do it. We can do it as Republicans. We can do it as Democrats. We can get the job done, and we can get the job done this year.

Mr. BURR of North Carolina. Mr. Speaker, the gentleman from Pennsylvania is exactly right. Let me take this opportunity in closing my part of this out to say, for the first 5 months, there has been a tremendous amount of work, not only work by Republicans, but by Democrats, a tremendous amount of work by the administration and by Congress to try to figure out what the right plan is, to try to figure out exactly what the benefit should look like and what value we can extend to seniors under a drug benefit.

Will it be perfect? No. But there is no substitute for the commitment of this institution to say we need it and not do it today. This is not a time where we can delay another year, another generation, another Congress, another administration. We do not get a better opportunity than this where we have shown fiscal restraint, we have accumulated some additional money over and above Social Security surplus, over and above every other trust fund that we have got. These are real dollars.

As I said to my constituents, when we get to real dollars, when we know that we are paying down debt in a responsible way, and we have got real dollars, we will look at real problems that we think we can solve. This is a real problem today. This is a real problem today that we can solve.

All it takes is the will of Republicans, Democrats, the administration and Congress. It takes every American out there that is listening to us tonight that can benefit from these, calling their Members and saying, do it now. Do not wait.

Mr. GREENWOOD. Mr. Speaker, the gentleman from North Carolina and I happen to be Republicans; and we can say, because we work more closely and more frequently with our Republican Members on our side of the aisle, from the Speaker of the House to the majority leader to the Whip to all of the officers and leaders in our party down to every Member, freshman on up, there is a complete commitment and a desire to get this job done. I think that is true on the Democratic side of the aisle, and I think it is true in the White House.

But we know we cannot get it done by ourselves. We can bring a Republican bill out here, a purely Republican bill, and if the Democrats in the House and the Senate tell the President it is a bad bill, he will veto it. That has not helped a single senior.

So we have to try to get a bill through the Congress that Republicans and Democrats like. We have to be able to do what most Americans want us to do, compromise, find the middle, accept each other's positive suggestions, get that job done, put the bill on the President's desk. I believe that this President, as he leaves town, can say that is one thing I got done; and I think this Congress can say, come the election, come what may, we got that job done.

Because the odds are, even if we did not get this done this election, this year, wait till the next election, we will be back in the same position. There will still be Republicans and Democrats in town. The Congress may be divided. The difference between the White House and the Congress will still be there.

So there is no point in waiting. The time to do it, as the gentleman from North Carolina (Mr. BURR) said, is now. The will is here. The financial situation is here to do it and certainly the need to do it is.

Mr. Speaker, I thank the gentleman from North Carolina for his participation in the Special Order this evening.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair reminds all Members that debate should be addressed to the Chair and not to the viewing audience.

STOP RISING PRESCRIPTION MEDICATION COSTS FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I came before this body about a month ago to address the problem of prescription medications, which my colleagues were addressing. I pledged at that time to go back to my district and carry the voices of the people of my district back to this body.

What we did was we visited senior citizen centers; and we asked the people there, please share with us your

personal stories, your stories of what you are paying for prescription medications. We asked them to bring in their prescriptions, bring in their receipts. I can tell my colleagues the stories they told were tremendously moving.

This pill bottle symbolizes the rising costs of prescription medication. Let me share with my colleagues a couple stories. A woman from Cinebar, Washington, who told me that they make just barely under $1,000 they receive in their Social Security and other benefits, but they pay well over $500, $500 in prescription medication costs.

Another woman who had been monitoring the bimonthly bill she is paying for her medications for the last year, in one year, she saw a 20 percent increase, a 20 percent increase in one year in the drug costs.

My own father who shared with me that a pill he took 8 years ago had cost $1 a pill at that time now costs $4 a pill. That is 400 percent inflation in 8 years.

Mr. Speaker, this body has been in session now about 16, 17 months. We have named post offices. We have done some worthy things for sure. But we have not addressed this absolutely critical issue.

While American citizens are doing without the medications that their physicians have prescribed, this body has not acted. It is time to act. We are capable of acting.

We need to do two things. We need to cap the rising costs of prescription medications. It is just not right for our senior citizens to travel to Mexico or to Canada to buy medications that they cannot afford within their own country, even though those very medications were funded by their taxpayer dollars.

It is even worse when seniors who cannot make that journey do without the medications they need, medications to improve the quality of their lives, medications to save their lives. But they are faced with that terrible choice between paying the rent or paying for their medication.

The current policy is not acceptable. It is not acceptable to put American citizens in that condition. It is not effective because, when seniors do without their medication today, we will pay higher costs tomorrow.

So the first thing we must do is cap the rising costs of prescription medication, and there are various ways to do it. But I call on this body today. Let us work together. This is not a partisan issue. It does not matter whether a senior citizen is a Democrat or a senior citizen is a Republican. They are entitled to be able to take the medication their doctor says they need.

The second thing we must do is establish a meaningful and affordable prescription Medicare benefit so that senior citizens can pool their resources and have predictable manageable costs when it comes time to get a prescription filled by their doctor.

This pill bottle is filled, not just with receipts, but with personal stories, stories of people who are suffering, stories of people who depend on medication to alleviate that suffering.

Mr. Speaker, I call upon this body tonight and in the remaining months of this Congress to hear the pleas of the constituents of my district and the constituents throughout this country. Do not let prescription medications continue to grow larger as this pill bottle indicates. Let us work together; let us stop the rising escalation of prescription medication costs. Let us work together and establish a real and effective and affordable prescription medication benefit.

A TRAGEDY OFFSTAGE NO MORE

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, last month a landmark decision was announced, marking an important recognition of one of the most horrible crimes against humanity of the 20th century, the Armenian Genocide. What was particularly important was that the action came from the State of Israel, the homeland of the Jewish people who were victims of the Nazi Holocaust.

Israel's education minister, Yossi Sarid, made the historic decision to include the Armenian Genocide in the national curriculum. Mr. Sarid announced his decision on April 24, the traditional day of commemoration of the Armenian Genocide, at a ceremony in the Armenian Quarter of Jerusalem's Old City. Expressing regret that Israeli students know very little of the genocide that began in 1915, in which some 1.5 million Armenians, one-third of the Armenian people, were killed by Turkish forces, Mr. Sarid said, ''I will do everything so that Israeli pupils will study and learn about the Armenian Genocide.''

Mr. Speaker, the issue of Israeli recognition of the Armenian Genocide received extensive coverage in an article that appeared in the May 12, 2000, Internet edition of the Jerusalem Post titled ''A Tragedy Offstage No More,'' by Leora Eren Frucht.

As the article noted, ''When Hitler ordered his death units to 'exterminate without mercy or pity, men, women and children belonging to the Polish-speaking race,' he was confident that the world would overlook the mass murder. 'After all,' he asked rhetorically on the eve of the 1939 invasion of Poland, 'who remembers the extermination of the Armenians?'' By the time that the Nazis were finally stopped 6 years later, 6 million European Jews had been murdered, as well as millions of other innocent victims of other nationalities.

Mr. Speaker, the Armenian and Jewish peoples are united in a common bond of suffering and in the struggle to overcome the tragedies of the past. While they were being massacred in unthinkable numbers, Armenians in the Ottoman Turkish Empire during World War I and European Jews during World War II, most of the rest of the world was looking the other way, although many knew what was happening.

After the Holocaust, the Jewish people built the State of Israel into a prosperous democracy, despite being surrounded by hostile neighbors. Since the collapse of the Soviet Union in 1991, the Armenian people have worked to build democracy and economic reform in the Republic of Armenian, despite being surrounded by hostile neighbors.

One of the hostile neighbors who has threatened Armenia since its independence a decade ago is Turkey. It was, of course, in the territory of the present-day Republic of Turkey and in the name of Turkish nationalism that the genocide against the Armenians took place during the waning days of the Ottoman Empire. Yet Turkey continues its unconscionable official policy of denying that the genocide ever took place. In today's world, Turkey, a member of the NATO alliance, continues to blockade its much smaller and more vulnerable neighbor, Armenia, despite Armenia's standing offer to normalize relations without preconditions.

In the aforementioned Jerusalem Post article, Turkey's official policy of denial was described as ''outrageous'' by Deborah Lipstadt, the American historian who defeated Holocaust denier David Irving in a highly publicized libel trial in London court last month. Professor Yehuda Bauer, academic director of Yad Vashem, Israel's Holocaust memorial, stated, ''If you accept the U.N. 1948 definition of genocide, which we and many other nations have done, then there can be no argument about calling this a genocide,'' referring to Armenia.

Yet the decision by Israel's education minister was a difficult one. Israel has been working to steadily improve its relations with Turkey at the same time that Israel works to improve relations with Armenia. Mr. Sarid's decision on including the Armenian Genocide in the Israeli curriculum prompted an outcry in Turkey that included a protest to Israel's charge d'affaires in Ankara.

Indeed, Mr. Speaker, Turkey frequently has shown its willingness to play hardball to intimidate other nations into not recognizing the Armenian Genocide. When the National Assembly in France adopted a bill in 1998 to acknowledge the genocide, Turkey promptly suspended the signing of a $145 million defense contract.

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Thus, Mr. Speaker, considering Israel's vulnerable position in the Middle East and its need to cultivate relations with Muslim nations, the action by Education Minister Sarid was a true profile in courage, a real statement of principle.

In closing, Mr. Speaker, I wanted to cite a letter dated May 22, 2000 that the

Armenian Assembly of America has received from Israeli Education Minister Yossi Sarid, and I quote, ''I fully intend to allow Israeli pupils to learn the lessons of your tragedy, which is ours and the world's, as well. Israelis are the last people who can afford to forget the tragedies of this magnitude.''

THE MILLION MOM MARCH AND SETTING AGENDAS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I would like to begin by congratulating the Million Mom March. The Million Mom March took place on May 14. I think the moms marching had a lot to do with our agenda here in Congress today and tomorrow and our agenda for the rest of the year. I just hope that the moms realize that their power, the power of mothers marching, is great enough to have an impact and an influence on what we do here, in many ways.

Their immediate objective was gun control, but there are many other items that I would like to see placed on their agenda. I would like to see the mothers set the agenda for what is going to happen here in Washington in the next few months.

Mr. Speaker, there is a secret, almost a secret, that nobody wants to talk about that I think the million moms and the fathers too ought to be concerned with and should be discussing. Fathers as well as mothers, and all of us, are concerned about the future and concerned about the Nation's future as it impacts upon our immediate children and our grandchildren. We want to see a greater America, we want to see a better world, and we have a golden opportunity here in this United States of America right now with the surplus of $2 trillion over the next 10 years as a possibility. It is possible that we may have a surplus of $2 trillion.

This year's surplus is definitely, by the most conservative estimate, going to be about $200 billion, $200 billion this year, and it will probably be no less than $200 billion for the next 10 years. I think the million moms marching ought to know about that. I think they ought to be involved in a discussion of what happens with that $2 trillion over the next 10 years to impact upon their lives and their children's lives.

I think the most comprehensive, the longest and the loudest discussion ever held in the history of our democracy should focus on this window of opportunity that we have at this point. We started the debate today on permanent trade with China. The relationship with China is relevant here in terms of the fact that some of us believe that the trade with China agreement will have a great impact on the working families of America because it is going to take away many of the jobs that people at the lower levels have.

Trade with China is definitely going to be as bad or far worse than the trade agreement with Mexico, which immediately began to drain away certain manufacturing jobs. China is so much bigger. China's economy is controlled and manipulated, and the likely danger that our economy will be greatly impacted by China is even greater than anything that happened in the case of Mexican cheap labor destroying jobs in America.

The question is, what does all this have to do with the million moms marching? What does it have to do with the setting of the agenda here in this Capitol for the next few months? What does it have to do with the $2 trillion surplus we expect over the next 10 years? It all comes together because, as we lose those jobs that are going to fly away to China, inevitably corporations will pick up and they will go locate plants where the cheapest labor market is, where there are 25-cent-an-hour workers in China, where in some cases they use prison labor.

Already our economy and our stores are flooded with goods from China because everybody can make a killing. Companies can go and manufacture goods at dirt cheap prices and then come back into our advanced economy and sell them at very high prices, relatively speaking, and make a big profit. So no industry, no corporation is going to back away from the opportunity to make these big profits. They will be chasing dollars at the expense of the loss of many jobs.

So, what is one of the possible answers to the problem that will be created if the people who want to pass the trade bill prevail, and the rumor is that they have enough votes and they will probably prevail tomorrow and there will be a China trade agreement? There will be a huge loss of jobs. A country that has 1.2 billion people has a lot of customers, they say, and they want to get those customers. But before they get to the customers, they have a lot of workers who need jobs and who will work for almost nothing and will undercut the workers here in this country.

So one possible answer immediately is in the same breath that as we create jobs in China, as we lose jobs here and create more jobs in China, let us respond to the argument that so many of the proponents of the China trade bill have made, and that is that, yes, we will lose jobs in manufacturing; yes, we will lose jobs at the lower level of the economy, but we will gain tremendous number of jobs and sales in the high-tech industry. We are going to take off where a new boom, a new surge in the sale of PCs and in the sale of services to established Web sites and all of the telecommunications, high-tech technology that is necessary. We will be the suppliers of that.

It may be true that for a while there will be this great surge of need in the Chinese economy for American know-how and for American high-tech machinery. If that is the case, then there will be jobs created in America in the high-tech area. At the same time we are making a trade agreement, then let us guarantee that the thousands and thousands of workers who are going to lose jobs are also given an opportunity to get some training in these high-tech areas. Let them learn how to be the people who hook up the technology. Some might even travel to China. Let them learn how to manufacture the gadgets and the gears and the switches and the lines that might require skills that are different from the manufacturing skills that the people who make cars have, or the people who make refrigerators, or the various consumer products that are going to now be made in China. Let the people who lose the jobs making those products begin to make the products for the high-tech revolution. They cannot do it without some more training. They need training immediately.

I do not know of any place where there is any legislation on the drawing board which says we are going to have a massive emergency training program for workers who lose their jobs as a result of the China trade bill passing. In the long run, however, we do talk and have talked a great deal about revamping our school system, improving the way we educate young people, so that in the long run the young people who are in school now will get an education which allows them to fill those high-tech jobs. And at least the China trade bill will not take away jobs in the future because the young people will be able and capable of stepping out of school and commanding the jobs that do exist in the high-tech industry.

They predict that there may be as many as 1.5 million job vacancies in the high-tech industry in the next 5 years because of the fact that we are not training enough people in computer sciences and related sciences in our colleges so that vacancies are going to be there. So our schools, then, must rise to meet the occasion and prepare youngsters for these guaranteed jobs.

In the absence of any special education effort, what we are doing is going abroad. And one item that is going to be on the agenda in this Congress in the next few weeks is the H–1B program. The H–1B section of the immigration law allows us to bring in foreigners to fill the vacancies that are created in the high-tech industry. And primarily that is the target. They are not bringing in these people for anything else. The great need is in the high-tech industry, information technology industry. So what we did not train our youngsters for in the past, will now be taken care of by foreigners. And that will keep going.

How are we going to deal with the vacuum created by the movement of manufacturing jobs to China if the only source of the manpower to fill the

jobs that do exist is going to be the foreign countries, foreign countries who have information technology expertise and will send the personnel here?

Weaving this story together may, at the beginning, sound very complicated, but it really is not. It is quite simple. Mothers should be aware of the fact that the best way they can take care of their children is to have an impact on the policies that are made here in Washington, on the bills and the legislation that come to this floor. Mothers should have an impact.

I congratulate the mothers for understanding the relationship between their marching and the possibility of making their schools safer, of making their neighborhoods safer, of ridding our society slowly of a menace that has grown over the years because mothers have not been active in attempting to end that menace. We have more than 200 million guns in our society. Those guns out there are menacing. Those guns out there represent danger to our children. They recognize that, and their immediate focus in marching here on May 14, Mother's Day, was to deal with the menace of the gun, the immediate threat to the lives of children.

I think that is appropriate, and I congratulate them for focusing on something very concrete. It is possible to get some results if the mothers stay organized. It is possible we will get some basic legislation passed which will make the world of our children safer with respect to guns. We have very limited objectives this year, and we ought to be able to meet those objectives.

But beyond that, mothers need to set a larger agenda. I think that The New York Times certainly had it right when they said that perhaps the best fate for the holiday, Mother's Day, would be to make Mother's Day again a day of open activism as they did on this May 14. Mother's Day has an interesting history, a very interesting history.

People say it is very unusual, very nontraditional, very unorthodox to have mothers marching on Mother's Day, May 14. In my community, there were large numbers of mothers who thought it was an insult. We did have one bus load of mothers who came from my district. They actually left the city from my office, and they were mothers mostly of children who had been injured or killed by guns. There were large numbers of other mothers who were really more traditionalist and said, no, I am not ready yet.

But I think I would urge all mothers to rethink the possibility that Mother's Day should be a day of activism, and maybe fathers should take note too and make Father's Day a day of activism. If we care about the next generation, our children, our grandchildren, one of the ways we should express our concern for their survival is to try harder to have an impact on what happens in our government.

Now, let me just read from The New York Times editorial on May 14, which I thought was very appropriate, where they applauded the activism on Mother's Day. ''No matter how simple it looks, Mother's Day is a complicated holiday. It has its roots in mid-19th century women's activism, championed first in 1858 by Anna Reeves Jarvis and then in 1872 by Julia Ward Howe. Their causes, honored locally on various mother's days in mid-spring, were improved sanitation, first aid, and world peace.

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''But activism is about the last thing Mother's Day had begun to call to mind in the 20th century. Woodrow Wilson proclaimed the first official Mother's Day on May 8, 1914, fulfilling a joint resolution of Congress that authorized the President to proclaim the second Sunday in May as Mother's Day and to request a flying of the American flag as a token of that fact. The patriotism has filtered out of Mother's Day over the past 86 years, making it hard to think of this holiday as an acknowledgment, as the joint resolution put it, of the service rendered in the United States by the American mother.''

Continuing to read from the New York Times editorial of May 14: ''The day has instead been formalized, commercially into a festival of flowers and feminine gifts and perhaps a few minutes of hard-earned leisure. But it has also been informalized, made a more intimate and less civic display of feeling. There is something a little ambivalent, a little archaic, about the formulaic ways we celebrate this day, if only because the status of mothers has never been more complex.

''In 1914, the mother's service outside the home was mainly inferential. The American mother, Congress wrote at that time, is doing so much for the home, for moral uplift and religion, hence so much for good government and good humanity. There is a lot in that word 'hence.' But these days there is no inference about it at all. Mothers are as likely to work in government as they are in the home.

''Perhaps the best fate for this holiday would be to make it again a day of open activism, as it was for the woman marching on behalf of gun control in many cities across this country today. Not everyone believes as Julia Ward Howe did, that if mothers could only come together somehow, world peace would ensue. But the second Sunday of every May could come to symbolize a powerful reality of contemporary American politics. Women united behind a cause can be a powerful force for progressive social policies, better child care, broader health coverage and fully equal opportunity for them and their children.'' That was the New York Times editorial of May 14, the year 2000.

Mr. Speaker, I ask unanimous consent to enter the statement in its entirety in the RECORD.

[From the New York Times, May 14, 2000]

ACTIVISM ON MOTHER'S DAY

No matter how simple it looks, Mother's Day is a complicated holiday. It has its roots in mid-19th-century women's activism, championed first in 1858 by Anna Reeves Jarvis and then in 1872 by Julia Ward Howe. Their causes, honored locally on various mother's days in mid-spring, were improved sanitation, first aid and world peace. But activism is about the last thing Mother's Day called to mind in the 20th century.

Woodrow Wilson proclaimed the first official Mother's Day on May 8, 1914, fulfilling a joint resolution of Congress that authorized the president to proclaim the second Sunday in May as Mother's Day and to request the flying of the American flag as a token of that fact. The patriotism has filtered out of Mother's Day over the past 86 years, making it hard to think of this holiday as an acknowledgment, as the joint resolution put it, of ''the service rendered the United States by the American mother.''

The day has instead been formalized, commercially, into a festival of flowers and feminine gifts and, perhaps, a few minutes of hard-earned leisure. But it has also been informalized, made a more intimate and less civic display of feeling.

There is something a little ambivalent, a little archaic, about the formulaic ways we celebrate this day, if only because the status of mothers has never been more complex. In 1914, a mother's service outside the home was mainly inferential. ''The American mother,'' Congress wrote, ''is doing so much for the home, for moral uplift, and religion, hence so much for good government and humanity.'' There is a lot in that one word ''hence.'' But these days there is no inference about it at all. Mothers are as likely to work in good government as they are in the home.

Perhaps the best fate for this holiday would be to make it, again, a day of open activism, as it is for the women marching on behalf of gun control in many cities across the country today. Not everyone believes, as Julia Ward Howe did, that if mothers could only come together somehow, world peace would ensue. But the second Sunday of every May could come to symbolize a powerful reality of contemporary American politics. Women united behind a cause can be a powerful force for progressive social policies, better child care, broader health coverage and fully equal opportunity for them and their children.

Mr. Speaker, there is a second editorial that was done the next day by The New York Times, and it reads as follows: ''The surge of energy was palpable yesterday as hundreds of thousands of marchers gathered on the Mall in Washington to demand stiffer gun control measures, and additional crowds joined in the demonstration at other sites around the country.

''The event may not have reached the million mom goal set by some alliteration-loving promoters, but the turnout, estimated at more than 750,000, was nonetheless impressive, especially on a day traditionally devoted to family gatherings. There is a real hope that the seed planted by this march could blossom into a movement that could change the dynamics of the national struggle to achieve sensible gun control.''

I am quoting from The New York Times editorial. I am not going to read the entire editorial, but another section of it reads as follows: ''The marchers offered a sound agenda ranging

from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales.''

This is a very limited, very practical, very reasonable agenda of the mothers who came here on May 14. They are asking for very little. I think it is possible that if they still organize they could gain this. I will just reread what can be the summary of what they came for: ''The marchers offered a sound agenda, ranging from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales. That is an agenda that mothers set to make their children safer in a very immediate and practical way.''

The editorial of the New York Times on May 15, the day after the march ends as follows: ''It is not yet clear how the gun control issue will play out politically. Even as mothers were mobilizing for their march, a new poll showed that the gender gap on guns is growing with men more apt to support the rights of gun owners and women more interested in gun restrictions. The challenge for the marchers will be to turn the event into a sustained political movement.

''Many speakers held this as a historical turning point in the gun control struggle, but it will only become so if the marchers keep up the pressure on Congress to pass the modest but useful gun control measures that remain blocked in a conference committee and on candidates running in the fall elections to support strict gun control laws.

''The hands that rock the Nation's cradles have the potential to rock its political institutions, but only if they keep rocking hard.'' That is the conclusion of the New York Times May 15 editorial on the day after the Million Moms March. The hands that rock the Nation's cradles have the potential to rock its political institutions, but only if they keep rocking hard.

Mr. Speaker, I ask unanimous consent to submit the entirety of the New York Times editorial of May 15 into the RECORD.

[From the New York Times, May 15, 2000]

THE POWER OF MOTHERS MARCHING

The surge of energy was palpable yesterday as hundreds of thousands of marchers gathered on the Mall in Washington to demand stiffer gun control measures—and additional crowds joined in the demonstration at other sites around the country. The event may not have reached the ''million mom'' goal set by some alliteration-loving promoters, but the turnout—estimated at more than 750,000 by the organizers—was nonetheless impressive, especially on a day traditionally devoted to family gatherings. There is real hope that the seed planted by this march could blossom into a movement that could change the dynamics of the national struggle to achieve sensible gun control.

That possibility clearly has the National Rifle Association running scared. It tried to neutralize the impact of the march in advance with advertisements in print and broadcast media denigrating the event and offering its own tepid alternative, a program to teach gun safety in every elementary school classroom in America. A full-page N.R.A. ad in The Times on Friday derided the march as ''a political agenda masquerading as motherhood'' and called it ''shameful to seize a cherished holiday for political advantage.'' That seemed a disingenuous complaint from an organization that regularly uses its lavish campaign contributions to seize the political process and thwart the will of the American people.

The marchers offered a sound agenda, ranging from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales. By contrast, the solutions offered by the N.R.A. were laughably insufficient—safety education in the elementary schools, better parenting and better enforcement of existing laws, riddled as they are with loopholes. Those are all laudable goals but would not come close to stemming the epidemic of gun violence.

Even worse ideas came from some participants in a countermarch staged by gun advocates. They argued for the arming of teachers and other citizens and the right to carry concealed weapons on the theory that if more of the ''good'' people owned guns for self-protection, the ''bad'' people would be deterred from attacking them. That sounded more like a recipe for shootouts than for crime control.

It is not yet clear how the gun control issue will play out politically. Even as the mothers were mobilizing for their march, a new poll showed that the gender gap on guns is growing, with men more apt to support the rights of gun owners and women more interested in gun restrictions. The challenge for the marchers will be to turn the event into a sustained political movement. Many speakers hailed this as a historic turning point in the gun control struggle, but it will only become so if the marchers keep up the pressure—on Congress to pass the modest but useful gun control measures that remain blocked in a conference committee, and on candidates running in the fall elections to support strict gun control laws. The hands that rock the nation's cradles have the potential to rock its political institutions—but only if they keep rocking hard.

Mr. Speaker, as my colleagues can see, I want to go further than gun control. I think that the practical objectives of the Million Moms March on May 14 are realizable. I think they should strive to see those objectives, since they are so limited, realized this year. Why not? They are very modest goals. I would like to appeal, however, to the million moms and all the moms and moms organizations everywhere to go further and set a larger agenda, beyond gun control, to make your children safe in this world, beyond gun control to guarantee that your children have a reasonable opportunity to pursue happiness. It will have the tools and the capability to be employed in the industries that are going to be very complex and demanding in the future with respect to training and intellectual capabilities.

Let us set the agenda so that they have a chance. Let us set the agenda so that at a point in history where there is a $2 trillion surplus anticipated over a 10-year period that $2 trillion surplus is not squandered by the traditional conventional wisdom that prevails here in Washington.

I am not going to set female reasoning up against male reasoning. I know there was a recent article in the New York Times that talked about the fact that women may have a chemical hormone that makes them more nurturing; and they may be more useful to civilization, because their immediate response to danger and response to challenges to the survival of themselves and their children is to close ranks and to organize and to help each other.

I am not going to get into that kind of scientific basis that is being attempted to establish the fact that mothers are more suitable for maintaining our civilization and that women are more suitable for maintaining our civilization. Now men, I would like to appeal to men to march also, since I was very much impressed, I was down here for the Million Moms March, very impressed at the way that they turned this traditional holiday into a temporary movement, and I was very impressed by the editorials in The New York Times that call for the mothers to make the temporary movement a permanent movement.

I only say that the permanent movement should set a larger agenda; let the mothers set the agenda for Washington. Let the mothers set the agenda for the House of Representatives, for the Congress. Let the mothers set the agenda for the end game negotiations that take place every budget year at the White House. There is going to be an end game negotiation where the decisions will be made about how to spend some of that surplus. Nobody wants to talk about it now.

The Committee on Appropriations process is moving forward with no discussion of the surplus. They are acting as if we are still in a period of desperate deficits. The Committee on Appropriations and the authorizing committees act that way in all cases, except one. Mothers need to know that, last week, last week mothers, we passed a defense authorization bill which was $309.9 billion. The authorization bill already was $21.1 billion greater than the amount spent for the last year on defense. However, the Republican majority added an additional $4.5 billion to the bill.

So if you want to know where the surplus is likely to go, if you want to know what the temperament is and what the likely manner in which it will be wasted, you watch the defense budget. There is no great war on right now. There is no evil empire to defend ourselves against, but it is the first place the extra money has been utilized.

H.R. 4205, the defense authorization bill, increases the defense budget to $309.9 billion. If we do not have the debate, if you are not aware throughout the entire country that there is a window of opportunity that right now we have an opportunity to use revenue that is available in constructive ways,

I do not say that the defense authorizations are not constructive, I just think they have enough money already before the additional amounts were added.

There is plenty of money to meet the agenda that the defense and military establishment have set, the legitimate agenda. I would like to see them expand the agenda and use some of the tremendous resources of the defense and military establishment to do more to help with disaster relief, disaster relief in this country, disaster relief anywhere in the world. We have this huge apparatus of equipment and men and know-how and I think we ought to expand the mission of the defense to be a mission to help with natural disasters throughout the world.

We can spend the money well there, but even then they have too much money. At the same time that they are authorizing an additional amount for defense, the Republican majority and the appropriation committees have led the fight to cut education drastically. Education has been cut, despite the fact that we no longer have a desperate deficit.

They cannot argue, as they argued under the Newt Gingrich Contract with America, that they had to cut school lunches and they had to destroy the Department of Education, they had to cut Head Start, they had to deny increases in higher education grants, because we had a deficit, the country was on the verge of bankruptcy. That was the illusion that they painted. That was the picture that they painted.

The country is not on the verge of bankruptcy now. So why are the Republicans leading these tremendous cuts in education? Why at a time when we are opening trade with China, trade with China, which will draw out our manufacturing jobs, the jobs for entry-level persons who do not have an education? Why at a time like this are we going to cut back on the education budget? Yes, it is true the Federal Government only gives a small portion.

It provides a small portion of the education budget. Most of the education budget is provided by the States and by the localities, but the Federal Government's 7 percent or 8 percent is a key amount, and the fact that it is only 7 percent or 8 percent is unfortunate. There is no reason why it could not be larger.

The dogma has been over the years that the Federal Government should not spend more money for education, because we want to keep our schools under local and State control. But if there is only a 7 percent investment in the schools, there is certainly no way you are going to take over the schools. And if we increase the 7 percent investment from the Federal level to 25 percent, there still is only a 25 percent power, 25 percent of the power, the other 75 percent of the power would still be at the local and State level.

What is this great myth that more State, more Federal money would mean more Federal control? We need the money from the Federal Government to revamp our schools now. The window of opportunity is now while we have this great Federal surplus. There are some States that have some surplus. There are some cities that have some surplus, but there is no surplus like the tremendous surplus that is being projected over the 10 years for the Federal Government.

There is no place where we are going to find over the next 10 years a projection of sums like $2 trillion, this year, $200 billion. So I think the mothers who marched here ought to know and ought to join the debate.

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Mothers, keep the pressure on for gun control, but, mothers, if you want to save your children and want to allow them to join the 21st century revolution which moves into a kind of a cyber-civilization, a digital world, where you have to have special skills, if you want all the children to be able to keep up with the rapid changes in our digital society, then we have got to have the education revamping now. We have to have the reform in education now. We need the computers in the schools now. We need the teachers that know how to use computers to teach. We need many of the items that were cut by the Republican majority in the Committee on Appropriations.

At this point, I would like to read portions of a letter that was submitted from the National Education Association. It is headed by Robert Chase, who I heard speak a few months ago, and he talked about the fact that our schools have a great deal of needs operationally, but there are even greater needs in terms of the infrastructure. Our school buildings, our school equipment, our laboratories, there is a great need for an investment there.

I want to congratulate Mr. Chase and the National Education Association, because following their statement of that need, they went out and they did an in-depth study, a thorough study from State to State of what the needs were for our school infrastructure. Infrastructure means buildings, it means gyms, it means laboratories and cafeterias, it means classroom space. That is what infrastructure means. In addition to infrastructure, they also studied our technology needs in the schools, computers and the hookups you need for the computers in terms of wiring, et cetera.

So the National Education Association is certainly qualified and has earned the right to criticize the recent cuts that the Committee on Appropriations has made in the education bill. Let us remember now that the majority party, the Republican majority, is the same party which 6 years ago proposed that we abolish the Department of Education. They proposed that we cut Head Start, they proposed that we cut school lunches. They are not as bold and as open and honest in their assault on education now as they were 6 years ago, but here is an assault.

In this letter from the NEA, it states that the $1.3 billion in emergency grant and loan programs proposed by the President for school repairs has been cut from the budget, cut from the appropriations. They did not put one penny in to replace that. There is no school modernization and construction money in the bill that is passed out of the Committee on Appropriations, the subcommittee, by the Republican majority.

The possibility of reducing class sizes is cut down drastically when you do not have the classrooms, when you do not have the infrastructure improvements. The NEA study estimates that there are $268 billion in unmet school infrastructure needs. Now, we are talking about infrastructure, buildings, that are needed to service the enrollment right now. The population of the schools right now is being made to operate in inadequate facilities. We are not talking about projections over the next 10 years of enrollment, we are talking about the needs right now. $268 billion is needed, according to the National Education Association study, yet, the cuts that were made by the Subcommittee on Appropriations for education have wiped out any possibility of even entering $1.3 billion for emergency repairs.

They have eliminated the Class Size Reduction Program, which was going forward without the extra classrooms. We started that last year by appropriating money for additional teachers. The assumption is if you have additional teachers, the ratio of pupils to teachers will be smaller in each class.

The problem is that if you do not have the classrooms, you can give money for more teachers, but there is no way to reduce the class size. In the case of New York City and a few other places across the country, they have put an additional teacher in the classroom. When you have young children in the elementary grades, a teacher at one end of the room and a teacher at the other end of the room trying to teach 2 different classes is definitely an adventure slated to not be successful.

Various other adaptations of the teaching takes place when you do not have the classroom space. But, nevertheless, I certainly support the program to have more teachers.

We wanted to put 100,000 new teachers in our classrooms over a 3- or 4-year period. The successful class size reduction program has already helped schools to hire 29,000 highly qualified new teachers. Just last November, Congress agreed on a bipartisan basis to continue and strengthen this critical program as part of the consolidated fiscal year 2000 appropriations bill. Elimination of targeted funds for class size reduction will not only jeopardize the gains already realized, but will prevent the schools from hiring an additional 20,000 qualified teachers to serve another 2.9 million children. We urge the

committee to restore funding for this critical program.

The Teacher Empowerment Act Block Grant, the subcommittee bill provides for $1.7 billion for a block grant consolidating the Eisenhower Professional Class Reduction Program. Because the bill provides only a minimal increase above the current funding, schools seeking to hire additional teachers to reduce class size will have to do so at the expense of programs to recruit and train teachers. In other words, the Republican majority has folded in other programs into the money and into the program that was designed to get additional teachers.

Insufficient funding for the teacher quality programs, they have cut that also. They have frozen the funds for the critical Title I programs. The subcommittee bill not only eliminates targeted funding to help low-performance schools maximize student achievement, but the subcommittee bill denies additional math and reading services to 260,000 disadvantaged children.

Just last fall, the House passed a bipartisan Student Results Act setting the Title I authorization level at $9.85 billion, yet the subcommittee bill provides almost $2 billion below this level, something like $7.8 billion. So there is another cut in a critical program.

There is no program that has been more critical than Title I, which is a basic thrust of the Federal Government in elementary and secondary education. Title I provides funds to schools where the poorest youngsters are attending, and it is designed to enhance the school program with extra services.

They have eliminated $20 million for elementary school councils, frozen funds for bilingual school programs, refused to give additional funding for Head Start. All of this adds up to a hostile Republican majority attacking education again through the budget action. All of this is an indication that there is no concern about the fact that we have a surplus, a $2 trillion surplus over a 10-year period.

We are not going to spend the money on education if we continue to follow the leadership of the Subcommittee on Education which passed out this appropriations bill. They refused to discuss the surplus. But the million moms out there who marched on March 14 ought to wake up and ask the question, what are you going to do with the surplus? And the second question is, what are you going to do about education with the surplus?

There is no reason why we cannot simplify matters. I think we should make it easy on ourselves and dedicate 10 percent of the surplus, no matter what it is. If it goes down, then it is 10 percent of whatever that is; if it goes up, it is 10 percent of that. Ten percent of the surplus over the next 10 years ought to be dedicated to education, to educational improvements. Half of it can go in the form of the improvement of the infrastructure for schools all across America; the other half can go to other reforms. The debate about what the other reforms should be might continue for some time, but the money would be there when we reach consensus on programs that do work.

We know that there are some programs that do work. Head Start works. We know that. The TRIO programs work; we know that. There are a number of different programs that we agree work. They should be the recipients of the increased funding first. Then additional programs that are designated as programs that work can be funded also out of the second half of the 10 percent of the surplus.

What is 10 percent of the surplus this year? It would mean $20 billion; $20 billion into education this year. $10 billion of that goes toward school construction and infrastructure improvement. Then you would you have $10 billion left for other reforms and education improvements.

I am certain that there are many who dismiss this proposal right away as being too ambitious, out of harmony with what is practical and acceptable, but those of us who are Members of Congress know better. We authorized a $218 billion program for a 6-year program for highways just a year ago, so $218 billion for highways over a 6-year period was not unthinkable. We can think big when it is necessary.

We have just increased the defense budget, as I said before, increased it to $309.9 billion. Just as an afterthought, we added $4.5 billion to last year's budget. The President had already added $21 billion to it. So we think big, and we think in the billions. There is no reason why we cannot think about $20 billion for education improvements in one year, especially if half of that goes toward construction.

School construction and infrastructure expenditures for wiring schools, for technology, et cetera, those are items which do not involve interference by the Federal Government in the operation of a local school. Those are capital budget items. The Federal Government gives the money, let us do the construction, let us revamp the schools, repair those schools, let us wire the schools so they can have Internet access, let us buy computers, let us do the capital improvements necessary, and then the Federal Government can get out. The operation of the school goes on, and you actually free up additional dollars so that the State and the Federal Government dollars, more of them can be spent on operational activities instead of capital budget activities.

That is a simple formula. The amount of money spent for construction is no threat to local control at all. It is an easy way to relieve the burden at the local level.

If these amounts seem too great, let me just go back for a moment to the National Education Association study. The National Education Association study is very revealing because they conclude, as I said before, that we need $253.8 billion, about $254 billion, for infrastructure other than technology. They conclude that just for technology, we need $53 billion additional. They have mapped it out quite thoroughly. Unmet needs, school modernization funding, totals, when you add technology and infrastructure together, $307.6 billion. They break it down in two areas, school infrastructure and technology.

School infrastructure means deferred maintenance, take care of that, new construction, renovation, retrofitting, additions to existing facilities, major improvements. The results would be that we would have to bring it up to par, spend that $254 billion that I spoke about.

Educational technology, they define that. A comprehensive definition of educational technology according to the NEA study is multimedia computers, peripherals, software, connectivity, networks, technology infrastructure, equipment, maintenance and repair, professional development and support.

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All of that goes into the physical needs for technology. They do not talk about training teachers. That was a different bill, and we still need that.

What does it all add up to in terms of the States? They break it down according to the needs of each State. One might be interested to know that at the very top of the States in terms of infrastructure needs stands the great Empire State of New York. New York, according to the National Education Association study, New York's infrastructure needs total $47.6 billion. New York has the greatest infrastructure, they call it unmet needs, greater modernization of unmet needs in New York, the infrastructure is $47.6 billion, technology is $3 billion.

According to the survey and the standards supplied by the National Education Association, the total need in New York is $50.6 billion to bring their schools up to par, to meet the needs of the 21st century in infrastructure and technology combined. New York is so bad off, they are in such terrible shape, that the second State in terms of need is about half that amount.

Now, California is the second State in terms of infrastructure need, technology need. California is number two. Even though California has a much larger population, their infrastructure need is only $22 billion, not even half of New York State's $47.6 billion. Their technology needs are greater because New York, according to the survey, has done more in terms of computerization than California, so the technology needs of California are $10 billion, for a total of $32,901,000 that California needs versus New York's $50,675,000. I am talking big figures, these are big numbers. Let us not run away from them.

Do we know the cost of one nuclear aircraft carrier? We do not run away

from the cost of a nuclear aircraft carrier. It is more than $4 billion. Do we know the cost of a Sea Wolf submarine? It used to be around $2.1 billion. It has probably gone up by now. In weapons technology, the Star Wars, the new missile defense system that we are going to construct, I think we added almost $6 billion more to play with that some more. We have spent billions of dollars over the years to get a missile defense against terrorism. We are willing to throw away additional money on that.

Common sense tells us that a terrorist does not need a long-range missile to throw a bomb into a crowded city, or to bring a bomb into a crowded city. There are many, many ways other than the firing of a long-range missile. So a system which is designed to stop long-term missiles where we have already spend hundreds of billions of dollars, we do not need to spend more billions of dollars. But my argument is that this is the way it will be thrown away. It will just be flushed down the drain, all of the surplus money, in one foolish project after another by policymakers who ought to know better, under pressures from lobbyists and from corporations and from hundreds of people who will make millions of dollars as a result of our wasting our money.

The best defense for America is in brain power, developing maximum brain power so that when the China trade agreement begins to siphon off the jobs for our young people, the brain power that has been developed in those young people to step forward and take those high-tech jobs that we still have left. We do not have to bring foreigners in with an H 1 B program to take the jobs that our own youngsters should be trained for. It all comes together.

Let the mothers set the agenda. Let the mothers have the common sense to do what so far the policymakers here are not willing to do. Let the mothers in on the discussion. Let us not keep proceeding toward September when the end game negotiations will take place and decisions will be made about what we should do with the surplus. Yes there have been some proposals by the President, and I support all of his proposals. He proposes to use some of the money to deal with the Medicare problems, the problems of Medicare, the possible deficit in Medicare in 15 or 20 years. Some of the money can be used to deal with that.

The President is proposing we use some of the surplus to deal with a prescription drug benefit. That is one of the possibilities. Another possibility has been, of course, that we pay down the debt, the most popular one; and I am all in favor of paying down the debt. But we are not in a situation where all of the funds have to be used to pay down the debt at once. Why not invest in education, because the investment in education will only increase the surplus and increase the health of the economy.

Mr. Speaker, there are a lot of arguments that make sense, and yes, they have gone forward; but suddenly there is silence about even the President's proposals which he made in the State of the Union address are not getting any great amount of discussion here on Capitol Hill. The Senate and the Congress are moving at this point as if there is no surplus. If there are discussions of a surplus, and there are, I am sure, they are all behind the scenes getting ready for D–Day when the Democratic President and the White House will have to sit down with the Republican-controlled Congress, and they will dole out what happens to portions of the surplus that they are going to spend this year.

Mr. Speaker, it is our duty to send them a message. Public opinion is still vitally important. It is not as important as it used to be because there was a time when public opinion was used as a barometer for a lot of decision-making and people would say well, I have to do it because the public wants it. I cannot do it because the public is against it. Never before has public opinion been as strong as it is now in favor of the Federal Government providing more assistance to education. For the last 5 years, public opinion has told us that education ranks as one of the top five priorities of the public for the use of government money, government funds. For the last 2 years, education has been number one. Indisputably, this year education ranks as the number one priority according to the public. The polls that are taken by the Republicans show the same as the polls that are taken by the Democrats.

Why is our leadership fully aware that education is a number one priority of the public refusing to respond by dedicating more of our resources to education? Our leaders who read these public opinion polls, we pay large amounts of money to pollsters to do the polls. Some of them come free from objective sources that have no stake in politics. Why are they not listened to?

Now, we are like the Roman Empire right now in terms of the rest of the world. We sit on top of the world as the only superpower; and it is to our credit that we are a superpower not only in military terms, but in terms of influence of our popular culture, in terms of our compassion. Probably no nation can match our overall compassion when it comes to international emergencies. The history of defending democracy far from our shores is written in the blood of the young men who died on the beaches at Normandy and on it goes. So we have a lot to celebrate, and if there is any empire that exists now in the modern 21st century, then the empire of America is one that we can be proud of, not an empire built on blood, but the empire can fall.

Mr. Speaker, we are in the same pivotal position as the Roman Empire was. Science and technology, military might has brought us to this point. But let us remember, at the same time Roman technology and the Roman engineers and the Roman scientists were at their height, they invented concrete. They built magnificent structures. They were way ahead of the rest of the world at that time.

At the same time the Roman engineers and the scientists and the craftsmen were doing such great work, the Roman politicians were so backward that they were feeding the Christians to the lions in the colosseum. The engineers built a magnificent colosseum, but the Roman politicians determined who died, who was fed to the lions. So the savagery and the backwardness of the politicians, of the policymakers, of the people in charge was the beginning of the downfall of Rome.

Mr. Speaker, we have so much going for us economically, scientifically, militarily. Why is it that we cannot make decisions in this case in response to our own electorate, in response to the mothers and fathers out there who answer the polls? The pollsters tell us they want more money spent for education. When they questioned the people more closely within the category of education, they said they want us to fix up the schools. How much more information do we need? How much more instruction from the people do we need?

Mr. Speaker, there is a stubbornness which is dangerous. There is a stubbornness which is deadly. There is a stubbornness which we see in the figures related to gun control. We are a Nation of savages when it comes to the number of people who die from gunshot wounds every year. Compared to the other industrialized nations, Germany, Japan, France, we have 100 times more people dying from guns, being killed by guns. No other nation allows 200 million guns to circulate in their society. The mothers were late, the mothers were late, but at least they are there on gun control.

There are other kinds of savage acts that are taking place that need to be challenged. There was a book written called Savage Inequity, which was a book describing the way the school resources are allocated in New York City. They compared the best schools in certain neighborhoods with the worst schools in other neighborhoods. I am sorry, it was not just New York City, it was other cities as well. They called it savage inequities in the way we are educating our children. That was almost 20 years ago. The savage inequities in the way we allocate our resources for education have gotten worse, not better. Now we have the resources. We have a $200 billion surplus this year, and over a 10-year period, a $2 trillion surplus. Why not end the savage inequities? Why not end the savage inequities? Do we need the mothers to come here and tell us what to do?

I think in 1990, March 27, 1990, I made a speech on the floor of this House which was called, ''Keeping Our Eyes on the Real Prize: The Child Care Bill.''

At that time we were considering a bill for child care, and again, we were nickel and diming the situation, looking at ways in which to cut pennies from the program at the same time the savings and loan swindle was raging. Billions of dollars were going down the drain from the taxpayers to take care of the crooked savings and loan swindles and deals, and we were nickel and diming the child care program.

There was a meeting held here, I will not go into the details of that meeting, and Marian Wright Edleman was invited to that meeting. She is the head of the Children's Defense Fund. The discussion that took place at that meeting and the way in which they responded to her, the negative way in which many of the persons at that meeting, Congress persons, responded to her simple plea for more money for child care upset me to the point where I wrote my first rap poem and found that rap poems are a good way to get off your frustration here in this place.

I called that rap poem, ''Let the Mothers Lead the Fight.'' I dedicated it to Marian Wright Edleman and the Children's Defense Fund. It is very appropriate now. The mothers are leading the fight, they came to Washington, and I just want to close out by reading this rap poem that was put into the CONGRESSIONAL RECORD on the 27th of March, 1990. It is relevant.

Let the mothers lead the fight; sisters snatch the future from the night. Dangerous dumb males have made a mess on the right, macho mad egos on the left swollen out of sight.

Let the mothers lead the fight. Drop the linen, throw away the lace, stop the murder, sweep out the arms race. Let the mothers lead the fight.

□ 2115

Use your broom. Sweep out the doom. Do not fear the mouse. Break out of the house. Rats are ruining the world. Let the mothers lead the fight.

Fat cats want to buy your soul. Saving the children is the mother's role. Cook up some cool calculations. Look some of new recipes. Lock the generals tight down in the deep freeze. Let the mothers lead the fight.

Human history is a long ugly tale. Tragedy guided by the frail monster male. Babies bashed with blind bayonets. Daughters trapped in slimy lust nets. Across time hear our loud terrified wail. Holocaust happens when the silly males fail. Let the mothers lead the fight.

Snatch the future back from the night. Storm the conference rooms with our rage. Focus x-rays on the Washington stage. The world is being ruined by rats. Rescue is in the hands of the cats. Scratch out their lies. Put pins in smug rat eyes. Hate the fakes. Burn rhetoric at the stakes. Enough of this endless bloody night. Let the mothers lead the fight.

Holocaust happens when the silly males fail. March now to end this long ugly tale. Let the mothers lead the fight.

Stand up now to the frail monster male. Let the mothers lead the fight.

Snatch the future back from the night. Let the mothers lead the fight.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. TOOMEY). 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, before I begin my remarks, and I plan extensive remarks this evening in regards to Social Security, I think it is a very important subject and I hope that as many as can will stay so that they can hear these comments. I look forward to a debate in the future on these comments in regards to the Social Security system. I think it is awful critical, but before I get there I have a very special announcement this evening.

Thursday of this week, at 9:00 in the morning, in Grand Junction, Colorado, our little baby, Andrea, graduates from high school. I never imagined that I would see my youngest child all of a sudden now a fine, beautiful, intelligent woman. I mean, she grew up overnight. So as soon as the vote on China is finished tomorrow night, I will depart promptly for Colorado.

I do want to say how proud I am. I am sure all of you have experienced this as well, but my wife and I now face the empty nest syndrome. We are not looking forward to that. We have had awful good years with Daxon, Tessa, and Andrea, but we will adjust.

We are pleased to announce that all three of the children will be in college; unfortunately all at once so as one can see, our budget does not have a lot of fluff to it.

Now let us move on to Social Security, the subject of which I really want to focus on this evening. I am going to talk about several things in regards to Social Security, but let me make something very clear at the beginning of this speech, and that is the speech is not intended to be partisan but it is necessary to distinguish between generally what the Republicans feel about Social Security and generally what the Democrats feel about Social Security.

There is a dramatic difference between the policies in regards to Social Security of the Vice President, Mr. GORE, and the policies of the governor of the State of Texas, George W. Bush.

So as I go through my comments this evening, I hope to distinguish for those out there in this audience here, Mr. Speaker, because there are two distinct directions that we can go in hopes of doing something with Social Security. So, again, let me repeat it once more. My comments are not intended to be a partisan attack, but I fully intend to distinguish between the Republican position and the Democratic position in general as it regards Social Security and the future of Social Security.

I think a way to begin a discussion about Social Security is to talk just a little about the history of Social Security. As many people know, Social Security was started in 1935. Now, it was not an idea that just sprung up overnight. It was an idea that was created as a result of many years of the harshest economic times this country has ever faced, the Great Depression, 1929. In the 1930s, things were very, very difficult in this Nation, but our country came together. The President, at the time, felt that we needed to have some type of system to assist our senior citizens who could no longer work. So in 1935, the President signed in a system called Social Security, which was designed for the individual.

In 1939, the United States Congress broadened the new program from a focus strictly on an individual to a focus on the family. Now, is Social Security in trouble? And why is Social Security in trouble? And to the extent Social Security is in trouble, we should discuss that this evening.

Clearly, Social Security on a cash basis, that means the money in the bank today, the money in the bank today, Social Security has a huge surplus, but it would be like a pilot flying through the clouds coming to the conclusion that because they have not hit a mountain they have clear sailing ahead. Social Security does not have clear sailing ahead. There are mountains in those clouds; and all of us, the people of this country, are in that airplane. And, frankly, we are flying with instruments that are not appropriate to get that airplane through those clouds without hitting those mountains.

Right now the plane is flying fine. On a cash basis Social Security has a huge surplus of money, but on an actuarial basis, meaning we look into the future, we figure out what our liabilities are and we figure out what our assets are, and as we go further and further into the future we find that our assets dwindle and our liabilities increase, and at some point about 2035 as we know it today, about 2035 those two will meet.

In other words, the assets equal the liabilities. Immediately thereafter, the liabilities, in other words the cash going out, exceeds the cash coming in.

Now one good thing about the United States Congress, one good thing about other policymakers in this country, and the various senior citizen organizations, is that, for a change, Congress is looking into the future. Instead of waiting for the crisis to actually beat at our doorsteps, we are looking at a crisis that is 35 years out. Now that does not mean we can wait for a very long period of time, because at some point that actuarial liability is accelerating at such a fast speed that if one does not catch it early on they cannot stop the momentum. But we have some time if we act on a reasonable and prompt basis. That is why the discussion of Social Security should play a very predominate role in the elections this fall.

Now let me visit just for a moment why Social Security is in trouble. It is really pretty simple. It is called demographics. Look at these numbers. In 1935, in 1935 when the Social Security system started, we had 42 workers for every one worker who was retired. So in 1935, 42 workers were in the workplace. One person was retired. Today that ratio is no longer 42. Look how dramatically that number changes.

Today, instead of being 42 that number is 3. So, in other words, in our workplace today, we have three workers for every person who is retired. Within the very near future that number will drop to two. This is one of the problems that we have.

Now that problem is one of the factors we have to consider that has created the demographical situation with Social Security. The other problem really is pretty good news for all of us. That is the American health care system. Because of preventive medicine, because of the fact that we have made successful assaults on many different diseases since 1935, the life expectancy has increased dramatically. In 1935, the average male could expect to live until he was 61 years old and the average female could expect to live until she was 65. Now, today, look at how that has changed. This has gone up to about 74 years, and this has gone up to about 78 years.

Now what has happened in the meantime is, no adjustment that is proportionate to that increase in age has occurred in regards to the Social Security system. So we have these dynamics. We have people living to an older age. We have people healthier, and we have more people in the retirement category than we do in the work stage. When we put those elements together, one can see that there is a collision course that is going to occur out there at some point in the future. We can avoid that by putting proper instrumentation into the airplane.

Now, what do I think is the most dangerous risk that we have with Social Security today? What would we, as elected Members of the United States Congress, as Members who have fiduciary duties to our constituents, what do I think we have the most to fear? What risk would we put the people that we represent, what would be the most dangerous risk that we could place them in in regards to Social Security? It is very simple, two words: Do nothing.

Mr. Speaker, we will break a bond with the people that we have committed to serve; we will be in breach of our fiduciary duty to the people that we represent and to the next generation that follows the older generation we now have, if we sit here and we do nothing. That is why I think it is so important for me to be here this evening and have the kind of discussion that we are going to have, because I do not believe that we can afford to sit idle and do nothing. To me that is just as dangerous as sitting in that airplane flying through the clouds saying, look, we know we do not have the right instrumentation but let us just relax.

Let us talk about it. We cannot do it and we will not do it, and I will say why we will not do it because there are enough of us in here that understand the dangers that face Social Security, that understand the option of do nothing is, in fact, no option at all. So what do we do? What kind of differences do we have?

Let me say that, first of all, what we have is not a dangerous situation for people today that are on Social Security. Any individual out there who today is collecting a Social Security check faces no risk as a result of the factors I just told them about. In fact, really anybody over about 40 years of age does not really face any kind of risk of losing their Social Security benefits. It is that other generation, it is the generation of my Andrea or my Tessa or my Dax, those three children of Lorie and mine, that is the generation which faces that risk.

If our generation fails to act for that generation, we should hold our heads in disgrace. There has been a generational trade-off in Social Security, and what has occurred is that the younger generation, frankly, is now subsidizing the older generation. That is okay if there is a system that when the subsidizing generation moves up the generation behind them can actually subsidize and on an actuarial basis subsidize the generation in front of them. That is not what is happening today. What is happening today is that the average couple on Social Security takes out about $118,000 out of the system more than they put into the system.

□ 2130

That is being subsidized by this younger generation.

So the older generations in our country, say from 40 up, and I fit in that category, their Social Security will be safe. But those generations from 40 and under, they have a right to demand of every one of us in these chambers, of every elected Federal official in this country, not what are you going to do for us, but what are you going to do for our generation, especially when it comes to Social Security.

Let me read a letter that I received from a gentleman, a friend of mine, named Roger Zion. He belongs to the 60-plus senior citizens organization. It is a brief letter, but I think it is succinct.

I want to talk about Social Security. Thanks to the lockbox provision, which by the way was Republican activated, ''my Social Security, such as it is, is assured. But I am interested in my children. They should have a chance to choose between the Gore plan in which they invest in a government plan that grows slower than the rate of inflation or the Bush plan where they invest in the market. Just think of the boost the market would get with thousands of new investors.

Under the Gore plan, at my children's death the money goes to the U.S. Treasury. Under the Bush plan, it is left to my grandchildren. They can invest it to stimulate the market, or they can spend it to stimulate the economy, or they can contribute it to the Boy Scouts or the Girl Scouts or some other charity.

I wish I could have had that choice 50 years ago. I would be a rich man. Now I want my children and my grandchildren to have that choice.

As we begin the detailed assessment of both of these plans that I am going to address my colleagues with this evening, let us start with an example. Let us start by putting ourselves in a place of, all of a sudden, coming upon a great deal of money. For example, let us say one of my colleagues here in the Chamber won the Lotto, and one won a great deal of money. Let us just say one won $10 million. So one decided wisely that one is going to put a percentage of that $10 million aside for one's retirement. So one decides one is going to take a million dollars and put it aside for one's retirement.

Let me ask my colleagues, would any of them in this room send that $1 million to the United States Government Department of Social Security to invest it with the other funds in Social Security? Any one of them? Of course they would not. There is not a one of my colleagues in these chambers, there is not one of them in these chambers that would take a million dollars of their own cash and invest it in the current Social Security system.

Why? Because they know that the chances of them seeing that on the other end are diminished significantly. They know that almost any other management policy, including the lowest paying savings account at any bank, the lowest paying at any bank in this country, find the lowest paying savings account that one can and one will still do a whole lot better putting one's money in there than one will into the Social Security system.

So how do we change this? What are the plans out there? It has been very clear to me, and I am sure it is very clear to my colleagues that, in the last 2 weeks, 2 different paths have emerged; that the policy of the Vice President and that the policy of the governor of the State of Texas, who is the Republican nominee, obviously, for President. The Vice President obviously is the Democratic nominee for President. For one of these two people is going to be leading this country. One of those two paths would be advocated by that individual when they become President.

So let us take a look at them. The Vice President's policies, in my opinion, what we have seen in the last several months are simply fear tactics of, oh, my gosh, the sky is going to fall down if we dare try and do something different with Social Security. The Vice President's policy has been to support the status quo. If one dares even talk about changing the status quo, why, for some reason, one has committed an assault on senior citizens. Remember, that senior citizens, and this is a fact that should be disclosed in their commercials, senior citizens face zero threat, no threat of losing their Social Security dollars. Persons over 40 years of age face no threat of losing their Social Security dollars.

So, the status quo means the generational trade-off, that is what I call it, the generational trade-off. That is a do-nothing policy. It means that the older generation is fine, but the younger generation is at risk.

We need a man that keeps the older generation safe and allows the younger generation who have 20 or 30 or 40 years left in their working career, give them an opportunity to have something a little better than what our seniors have today.

We are not asking for dramatic change. In fact, I do not think we have to guide the plane, so to speak, the airplane dramatically to avoid hitting that mountain. But if we do not change the direction of the plane ever so slightly, we are going to hit that mountain. My colleagues know what the results are.

Back to the Vice President's policies. They have no choice, if they continue on the course of which they have supported, but to raise payroll taxes. That is the highest tax one sees on one's check today.

By the way, I heard, I got an e-mail the other day that Members of Congress and Federal Government do not pay Social Security tax. We pay Social Security. I faxed out a copy of my pay stub today to some people who said, how can you talk about Social Security. You do not even pay Social Security. We do pay Social Security. Our retirement system, by the way, in the United States Congress is the same as other Federal employees.

But back to my point. As we begin to reach that actuarial basis where we need to have cash and we do not change the system, the only answer we have, we are never going to be able to shut the people off, nor should we.

The only response that we have is one of several things. One, we start to tax the benefits. We go out to these seniors and we say, Look, we have got a cash crisis. We have got a crisis. We should have planned for it 30 years ago, but we did not. So we have to tax the benefits.

The other course of action that we are going to have to do is raise the payroll tax. Both of those are approaches which I think are punitive to the workplace out there.

The other thing that we would have to do, we would have to raise the retirement age. Now, there are some arguments in raising the retirement age. If we do increase retirement age far enough out as people begin, as their life span begins to increase, perhaps there is some basis for that type of argument.

But the first two policies of the Vice President, raising the taxes and taxing the benefits, are not the answer. We have got a better answer.

The other way, some other things that we can do that we have heard discussed, reducing the cost of COLA's, adjusting the benefit formula.

Now, in the last couple of weeks, we have heard some discussion, maybe what we ought to do with Social Security, maybe what we ought to do is do what Federal employees do, what Members of the United States Congress do. This is nothing new. The Vice President's plan stays the course.

The question comes up to all of us, do we want a President who is going to stay the status quo, or do we want a President that is going to take a bold move and do something and move? That point comes out here in the last 2 weeks. The governor of the State of Texas has proposed that the members, people who work out there, have a system very similar to what the Federal Government has, that is, that they be allowed to own, literally own a portion of their Social Security, only 2 percent of their withholdings. So one takes 2 percent of the withholdings, and one would allow the worker out there to own a piece of the action.

What has the response been? Now, by the way, as I will get into the further details, that proposal is voluntary. We are not saying to the worker, they have to join this system. It is the same thing as the Federal employees.

The people of America need to know, Mr. Speaker, that the system we are under allows us ownership, that the retirement system that every Federal employee can participate in addition to Social Security allows choice by the employee. It allows one to go to very, very conservative guaranteed investments or to direct a small percentage of one's salary towards high-risk investments. One gets to participate.

We do it for 2½ million Federal workers. Why not take a look at that system which has proven highly popular and highly successful? Why not take what we have learned from that system, says the governor of the State of Texas, and move it over to Social Security.

The response has been interesting. Some of the negative arguments that have surfaced, i.e., it is stock market roulette, one could lose all one's money. Well, one has got to talk about a concept that I think is very important, and it is called dollar cost averaging. The only way that one would lose all of one's money on the stock market investment like this is that one puts all one's money in the market one day and one loses it all the next day.

My position is that one goes into what is called dollar cost averaging, and that is one invests, it is a very small percentage, just like we do with the Thrift Savings with the Federal Government employees, one invests those dollars over time. Through time, one has cycles, one has up days or, like today on the market, one has a down day. But over time, it is the average of that dollar that brings one the return.

We are going to talk about returns here in a moment. But the clear message that we have here is that the Social Security, the people who participate in the system, could actually get that opportunity to participate without the kind of risk and the fear tactics that are being thrown out there.

Do my colleagues know what we hear about when we talk about change, and, frankly, this is a difference, when the Republicans talk about change, the Democrats jump up and immediately try and convince, in my opinion, through their policies that the seniors are going to lose their Social Security.

Let me reiterate it very clearly. That is not what is happening here. I have not seen a plan by anyone on either side of the aisle that threatens seniors who are currently on Social Security in any way whatsoever. It does not happen. The real threat comes for that generation under 40.

Frankly, the Vice President's policies throw people under 40, our young people in this country, my colleagues better tell their constituents who are under 40 to take a very careful look at the present Social Security system. They also ought to take a very careful look at who is going to make the first move, the bold move to protect Social Security for those under 40.

I can tell my colleagues that to protect the people under 40 they cannot accept the status quo. This airplane, referring to the Social Security system, is headed for a mountain. It is not going to get there for a few minutes. It is not going to get there for the people that are 40 and above. But for those people 40 and below, if we do not change the course of this airplane, it is going to hit a mountain.

Let us talk about a quote that the Vice President himself made in January of 1999. The Vice President said, ''One of the single most important salient facts that jumped out at everybody is that, over a 10-year period in American history, returns on equities,'' that refers to the market, the stock markets, ''are just significantly higher than these other returns.'' At any given 10-year period of time, those returns are significantly higher.

Now, the Vice President's policy ignores that today. But the fact is his statement that he made in January of 1999 is, in fact, accurate.

Let us take a look at what the rate of return has been in Social Security. For today, for those people under 40 years old, let us say, for example, we have a young working couple, let us pick a couple, 30 years, 35 years old. They have got children. Do my colleagues know what their return is averaging today on Social Security? 1.23 percent. Find me one savings account, Mr. Speaker, anywhere in this country at any bank, at any credit union, any savings and loan, find me one bank that pays interest rates that low.

That is exactly what a young couple, the people that I am talking about this evening, the professional women, the professional men, the young couples, the homemakers, that is what they are facing.

Now, let me tell my colleagues something else a little more alarming. For those of my colleagues who are particularly adept at minority issues, because the life span of some minorities in this country statistically is lower than others, that return actually is below that.

□ 2145

They deserve more. They deserve better. And, frankly, those of us who are over 40, our generation is enjoying the benefits of the previous generation. It is an obligation of ours to do something with that return. It is not their job, the under 40, to change the direction of that plane, it is our job. That is our job to do and we should do it. And we have a plan that I think will work.

Now, take a look at stocks. Take any 10-year period of time. On average, we should expect stock returns around 7 percent. Now, remember that is dollar averaging. Around 7 percent. Now, tell me what kind of rocket scientist does it take, with a small amount of money, not the entire retirement, but to be able to just take a small amount of money, a small percentage, 2 percent of money that is earning 1.23 percent, and moving it into an account that is earning 7 percent over a 30- or 40-year period of a work career. That makes a big difference. And that is the difference that these young people in our country deserve.

If we want to talk about doing something for the children, look at the plan that the Governor of the State of Texas, George W. Bush, has put forward. If we really want to not just be talking out there, buffaloing people about doing something for the children, if we really want to do something for the children, look at this Social Security System and look at that plan that the Governor of the State of Texas has proposed.

Let us go into a few details about exactly what the Governor of the State of Texas has proposed. Let me explain first of all the attitude that we can see in the plan, the attitude that comes out, that just beams out of that plan. First of all, it is a can-do attitude. We can do something. It is a can-do attitude. We can do it. We can come up with a system that, without putting at risk an individual's retirement, we can give them a better return than 1.23 percent. We can do it.

We see it. We see the feeling of that, let us do something attitude. My colleagues, we cannot just sit here, and this is exactly what the Governor of the State of Texas's policy is, we cannot sit here with the status quo. Those who are not willing to participate should move aside, because we have to try something. And here is something, by the way, that has already been tried and tested and has been successful. This plan tracks the plan that, my guess would be, every one of us in these Chambers participates in and 2½ million Federal employees also participate in. It works. And it took somebody to make a bold move to put us into that. I think it is very interesting.

Now, let me go through what the Vice President has said; that seniors on Social Security and people close to retiring would stay in the current system. I have mentioned that several times. The seniors should have no concern, and they should not listen to any of that advertising. Do not be frightened as we get into a political season by those advertisements, which were primarily run by the Democratic National Committee last time talking about our policies and trying to drive the seniors' thoughts and decisions through fear tactics. Let us drive it through simple arithmetic. Let us drive it through the math.

The plan would take about 2 percent of payroll-taxed income and would set up personal-managed accounts. Now, what does that mean? That means that Social Security takes a certain percentage out of our payroll checks, and out of that amount of money, let us just imagine it in a pot. Here is an individual's pot of money. The government takes it from that person's check and puts it into Social Security. Out of that pot there would be a huge safety net. In other words, most of the money in that pot would go into the Social Security System so that no matter how an individual's own personal-managed account did, they would always be guaranteed at least a minimum retirement supplement.

As it is today, it is a supplement. It is not intended to be a full retirement, and I should have mentioned that when I talked about the history of Social Security. It takes the majority of that money and puts it into the safety net, but it takes a small percentage of that money, which, over time, can really, on a cumulative basis, add up, and it takes that small percentage of money and allows the worker, the person paying the bill, the person that is getting stuck with the tab, it allows them to manage the account. For younger accounts, for the younger generation, it makes that generational reverse. It begins to come back. It begins to be fairer to our children, to our people, to our young couples under 40.

Now, how would the system work? The individual, very similar to what we have at the Federal system, would take that small percentage of money. And, by the way, they do not keep it in their pocket. The worker does not keep it in their pocket. They are simply assigned an account of which they own. Which means, by the way, if they die, they can pass that on to the next generation. They can give it to the local charity. So they actually have ownership of that small percentage, and they get to direct how it should be invested.

Now, let me explain very briefly just exactly how our Thrift Savings Plan works, because the Bush plan, the plan of the governor of the State of Texas, as I said repeatedly throughout my comments so far this evening, tracks very closely the Thrift Savings Plan that is offered to all Federal employees. Now, currently, today, as I mentioned several times, 2½ million Federal employees take advantage of this plan. I have yet to find one Federal employee, I have yet to find one of my colleagues, including any of them on the floor, and I look forward to discussing this with them after I conclude my remarks, I have yet to find one that is disgusted with this system; that is afraid the system endangers their future retirement; that believes any kind of fear tactic about this system. It is not there. The system works, and it can work for Social Security. That is what the Governor says.

Now, how does thrift savings work? Let us take an example: Myself. I get a paycheck once a month from the Federal Government. I am a Federal employee. I do pay into the Social Security System; but on top of that, we have the Thrift Savings program. And what that does is it allows for me to designate up to 10 percent of my salary and put it into a plan called the Thrift Savings Plan. If I put in 5 percent, the Federal Government will match it with a 5 percent put-in as well. Now, I can contribute up to 10 percent, but the Federal Government only matches the first 5 percent.

When it goes into the Thrift Savings Plan, I then own that. I own that plan. It is under my name. If something happens to me, there is an amount of money that can be transferred to whoever I would like; to my family, in this case.

So once it goes into the system, then what do I do? Basically, we have three choices as a Federal employee. The first choice that we have is to put it into an investment that is absolutely safe, has 100 percent guarantee by the government, but the rate of return is very small. I think last year, and maybe I have got the return figure here, very small, maybe 4 or 5 percent, but it has a 100 percent guarantee. So those of us that want to participate in thrift savings but do not want anything to do with the risk, we can go ahead and designate our personal account that is in our name and put it in that ultra safe investment.

Or we have two other choices. Those choices are we can go into the bond market or we can go into the stock market. Now, the bond market has no guarantees to it, but it has a higher return. Remember, the higher the risk, the higher the return. The lower the risk, the lower the return. So in our first account option that we have as Federal employees, we get a low return but we have low risk.

And by the way, the Thrift Savings Plan, just like the proposal for Social Security, is voluntary. None of us in this room have to participate. Not one Federal employee out there has to participate in this. But if we want to increase our risk a little, then we can go into the bond market or we can go into the stock market.

Now, in the stock market fund, for example, over the past 10 years, the average rate of return from the stock-based option under that plan has been 18 percent. Now, that sounds like a great return. It is a wonderful return, but there is risk involved there. And everyone who invests in the Thrift Savings Plan signs a statement. They go over very carefully what the risks are

of the three different options. They give the historical average of what the returns have been. There are no secrets in this plan. It is a very employee-oriented plan.

On the bonds, over the last 10 years, their rate of return, the government bonds was 7 percent and corporate bonds was 7½ percent. Last year's return was 20.95 percent. This is the Thrift Savings Plan. This is the plan that the Governor of the State of Texas has said we should take a look at for Social Security. Why can we not apply those principles, what is good for government employees, what is good for the United States Congress, to Social Security?

The minute that the Governor of the State of Texas proposed that, we heard generally from most of the Democrats, oh, my gosh, the sky is going to fall in. Even though, in fact, they are beneficiaries. The Democrats are beneficiaries of the plan that we are proposing to give to the workers at large. Why should this sort of plan be restricted to us? Why restrict it to Federal Government employees? Why not let the entire country share the benefits of it?

The Democrats are the first ones to jump up and criticize, oh, my gosh, what happens if we change the status quo? We cannot change the status quo. Let us get out there with the people that are most dependent with Social Security and let us scare them. My colleagues, we owe more to the people we represent. Let us lay out both of these plans, as I am attempting to do this evening.

Let me tell my colleagues, the leader in objections to the Governor's plan has been the Vice President. Do we want a new president that decides to keep things status quo? I want a president that is going to be dynamic. I want a president that is willing to take bold moves. I want a president that can look at a system that needs to be fixed and fix it. And fix it.

And how interesting. I did a little research this evening. I found something very interesting. In 1988, when the Members of the United States Congress decided that they wanted to secure their future a little better than Social Security secured it for them, that they wanted to get out of this category of a 1.23 percent return, they created the Thrift Savings Plan that allowed them that ownership. And guess who one of the supporters of that was? The Vice President. The Vice President's policy at that point in time, when he was a Member of Congress, was to allow Congress and Federal employees to have this thrift savings system where they get the option of individual choice.

How interesting that in 1988, the Vice President's policy was that this is a good viable plan and today, even though the plan has been a tremendous success, the Vice President says, oh, my gosh, it is too volatile, we cannot do this kind of thing.

It is very, very simple, in my opinion. It is very simple, and we should lay it out in as simple terms as we can. Let me point out, before I go on a little further in that regard, one way to help us understand this. There are some Web sites on the Internet, and actually, some of these Web sites actually have calculators on them so we can go to these Web sites, take our own personal examples and we can look and determine what happens to us if we stay under Social Security under the Vice President's policy of maintaining the status quo, of keeping a system that is crippled, a system that is actuarially bankrupt, and we can actually look at this site and determine what our return, a pretty good guess of what our return is going to be. And it also allows the option to look at the proposal by the Governor of the State of Texas, George W. Bush, which is, as I said, very similar to the Thrift Savings Plan, and figure out what the return would be there.

Let us look at these very carefully. The first Web site, 60plus.org/SavingSS/savings.htm. I will leave this up here so my colleagues can have an opportunity to write it down. The second site that I will put right here is empower.org/html/, and the third one is socialsecurity.org/index.html.

□ 2200

I will keep these up here for a few minutes, colleagues, so my colleagues can write it down, and what I would urge my colleagues to do is pass these Web sites on to your constituents. Be straightforward with your constituents, and I do not doubt that my colleagues are all going to be that way, but do not let politics drive us into putting out propaganda or into slanting the people out there and letting them believe that the status quo is going to be good for those people 40 and under.

Clearly, as I said earlier, and it is a statement I repeated numerous times, but we need to repeat it, for those of you who are 40 and over; the status quo will protect you, the proposal by the governor of the State of Texas does not threaten anyone age 40 and over. What it does is enhances the opportunity for those who are 40 and under, it enhances their opportunity to avoid the mountain that this plane is headed towards.

It allows those 40 and under to actually have a piece of the pie, to own some of the action, to be involved in the investment decisions. Now, it is true that some will make careless decisions, that some may decide to put all of their 2 percent into the stock market, and they may lose it.

Let us say over a short period of time on dollar averaging, the return could come out shorter. The beauty of this plan and the beauty of the Thrift Savings Plan is, no matter how badly you mess up in Thrift Savings because of your own personal management, and you have the opportunity, I mean, you want higher risk, you get a higher return, you have higher risk. No matter how bad you mess it up, the bulk of your retirement is still in place, because you are only managing a small portion of it. It is the same thing with this proposal on Social Security. We are not talking about 100 percent of your Social Security goes under your management, but what we are talking about is that you are going to be able to take a small percentage of your investment and invest it; and I think you are going to do a lot better than 1.23 percent, but if you did not, the bulk of your Social Security for those of you 40 and under will at least still be protected.

Now, the question we face tonight and the questions the American people face tonight is do we go ahead and bury our heads in the sand in regards to Social Security, or should we accept some bold leadership that is willing to set sail in a storm; that is, willing to step forward and say, look, do not accept the status quo, move aside. If you do not want to work on it, move aside, but do not prevent me from coming up with a plan that will be viable for the American people, and that is exactly what the governor of the State of Texas, George W. Bush, is saying.

Now, keep in mind my comments earlier that this is not a new invention. This is not something that a rocket scientist suddenly came up with. This is kind of a copycat. We have had somebody else break the snow through the mountain forest; somebody else already has a path through the forest. We have been following this path and, frankly, we followed it for 40 years under Democratic leadership, and they would not change it.

So for 40-some years under the Democratic leadership, we followed that path, but now we have discovered another trail. Somebody has showed up in the horizon; it happens to be the governor of the State of Texas. He says why do you not try this path? And by the way, it is not a new path. Who has walked in the path before? That is a legitimate question for you to ask.

Before you go through the forest with this person, it is a legitimate reason, a question for you to say now, wait a minute, governor of the State of Texas, what kind of path are you going to lead us through? We are going through some pretty tough mountain country here. What kind of path? Anybody else been on this path? And the answer would be yes, 2½ million Federal employees have walked through this path. They have plowed the snow; that is a plan that Federal employees get to participate in, and 2½ million of them have chosen to do so.

And you know what, they are coming out on the other side of the mountains. And you know what, when they come out, to date, those Federal employees since 1988 have said, hey, this is a good system, including the Vice President of the United States, who in 1988 endorsed going on that different path. He supported it. And in January, he also acknowledged the returns were better, although today, the Vice President's

policies are do not dare go on a new path. We have got to stay on the same old path through these mountains.

Well, what we are saying is that same old path is bringing some pain to some people. Those people 40 and over are going to be able to walk the old path just fine, because they are most of the way down it. They are almost to the other side of the mountains, but the young people in our country, those people that are out there in the workplace 40 and under, and those who are not old enough yet to work, they are going to have to start on this side. And the conditions are worsening on the path.

Those 40 and over have missed the snowstorm. There is now snow coming down on that path. We have got treacherous weather ahead, but we had an option. And that, again, is what I stress to all of us tonight, put your politics aside just for a little while and say does the Thrift Savings Plan work for me as a Federal employee?

And there is not a one of you in this room that will not say yes to that. Of course, it works for you, or you would not be participating in it. And by the way, you do not have to participate in it.

Then the next question you would logically asks if it works for me, why do not we apply it to Social Security? Why do we not try and take a plan that allows a worker to direct and participate in the management, a small percentage of the money that is taken out of their payroll check and put it into the Social Security system.

I intend to have several more discussions with my colleagues on the floor in regards to Social Security. I think it is probably one of the top four issues that should be discussed in every election and every debate this season.

And as it is brought up in debates, I would urge my colleagues, put aside the fear tactics, talk the numbers. We know factually that this plan, Social Security, if we stay on the same path, that in 2035, this plan will be actuarially bankrupt; we know that. You do not argue it; we do not argue it. It is a fact. So use that in your debate.

We know that the seniors who are currently on the Social Security today and those who are 40 and above face no danger of losing their Social Security benefits. You know that on this side; we know that on this side. That is a fact. Put it in there; list your facts in this debate.

We know that somebody has to change. Now, that is debateable. The Democratic leadership, the Vice President's policies are continuing down the same path. Our policies, our new proposal is let us just change the path a little. We are not saying change the path drastically; we are saying change it a little. Go on the trail that has been traveled before. Go on the trail that has been successful.

Go on the trail that when those young workers get to 2035, they do not have to look at a return of 1.23 percent; they deserve more. We owe them more. So colleagues, I hope all of you participate with me in this Social Security debate.

I look forward to debating any one that wants to discuss the subject; but if you are a Federal employee, and I am referring to all of the Congress people here today, if you are a Federal employee when you get ready to debate me, you better justify with me at the beginning of the debate, you better justify why it is okay for you to have a Thrift Savings Plan that allows you management and ownership and inheritance rights under that plan, but it is not good enough for the average worker, American out there, unless they are a Federal employee.

If you cannot justify that at the beginning of the debate, I win by default. I win the debate by default. I win the argument by default. You know that and I know that.

In conclusion, Mr. Speaker, I urge all of you to go back to the American people and say, look, it is time for new leadership on Social Security. It is time for a slight change, not a dramatic change. The sky is not going to fall down, but it is time we look beyond our blinders; it is time that we moved it just a little. Because if we move it just a fraction, over a period of time that angle becomes dramatically different and our airplane will not hit those mountains.

Let us follow through with the fiduciary obligation we have to our people. Let us save Social Security, not just for the next two generations, but for the next 15 generations so that those generations can in turn save it for the next 15.

PERMANENT MOST FAVORED NATION STATUS FOR CHINA

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized for 55 minutes.

Mr. KUCINICH. Mr. Speaker, tonight I am going to be speaking about the permanent most favored nation status for China. And in the time that follows, I hope to demonstrate to the Members of Congress why this legislation ought to be defeated tomorrow and why this Congress needs to return to the roots of our country, the historic roots which have been the result of people really caring about human rights, caring about the rights of all people.

When this country was founded, it was founded by people who felt that, as the Declaration of Independence indicates, it was necessary for people to dissolve the political bands which have connected them with another, and to assume among the powers of earth the separate and equal station to which the laws of nature and of nature's God entitle them. A decent respect to the opinions of mankind require that we should declare the causes which impel them to the separation.

And in that Declaration, which is our heritage, it goes on to say we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights that among these are life, liberty and the pursuit of happiness, that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

Mr. Speaker, this Congress exists as part of a continuum of representatives who have come here throughout the ages, and so many of us raised our right hand to say the words of our desire to protect and defend the Constitution of the United States as my good friend, the gentleman from Colorado (Mr. TANCREDO), spoke so well a few hours ago, our purpose as Members of Congress, our first and foremost to defend the interests of the United States of America.

Now, certainly as Members of Congress, we can make the decision to see whether it is the interest of the American people to engage in trade with nations of the world, and we have done that. Indeed, this House of Representatives has taken the position time after time that we should use trade as a means of exchange among the nations, but at no time has this House ever stood back and renounced its obligation to uphold the highest of principles upon which this country is based.

I do not think there is a Member of this House who came to Washington without being animated by those lively sentiments of faith in America, of hope in our country, of a belief in the American dream, of wanting to share that with everyone. And so when we cast a vote on trade issues, we may do so with the highest expectations, but we must do so with the proper dose of reality. That is why, Mr. Speaker, I think it is important that when we are looking at all the promises and claims that are being made about the benefits of permanent most favored nation trading status for China, that we look at the recent history of the implementation of a major trade agreement which some Members of this Congress had the opportunity to vote on, a major trade agreement which was promoted by the current administration, a major trade agreement known as the North American Free Trade Agreement, NAFTA, that took effect with such great fanfare on January 1, 1994.

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In this report by Charles McMillion, he said it was ''the first ever experiment in rapid and sweeping deregulation of investment and trade policies between a low-wage developing country and highly industrial countries.''

That seems at this moment as an echo of what we are hearing in this debate today over China, that it is still another experiment in rapid and sweeping deregulation of investment and

trade policies between a low-wage developing country and a highly industrialized country, the United States of America.

Over 6 years later, we have the returns from all the promises that were made from NAFTA. We remember those promises. As Mr. McMillion states in his report, ''NAFTA advocates insisted that the agreement would create good U.S. jobs by providing the U.S. a total trade surplus,'' and hear that word, they promised ''a surplus in goods with Mexico of $50 billion accumulated over NAFTA's first 6 years.'' But in the first 6 years, the U.S. has accumulated a trade deficit in goods with Mexico of about $93 billion. That deficit translates into a loss of American jobs. So the promises of a $50 billion surplus suddenly are turned into a $93 billion deficit.

McMillion goes on to say that NAFTA advocates expected the agreement to provide U.S. advantage over the rest of the world in Mexico trade, assuring a U.S. trade surplus far into the future. During the first 6 years of NAFTA, the U.S. suffered total current account losses to Mexico of $118 billion. The rest of the world enjoyed a surplus, a surplus from Mexico, of $190 billion.

In his study, he points out that Mexico exported 621,000 cars, just to the U.S., in the 12 months to June 1999, while the U.S. base producers were able to export only 477,000 cars to the entire world. The U.S. net export deficit with Mexico for cars, light trucks and parts reached $16.6 billion in 1998 and could exceed $20 billion in 1999. The deficit with Mexico for computers and computer components reached $2.2 billion in 1998, and may reach $4 billion in 1999.

Now, Mr. Speaker, I represent Cleveland, Ohio, in the Congress of the United States. My community is a city of auto workers, of steelworkers, of people who work in industries connected to aerospace, of small machine shops. It is a city which has a growing medical industry. It is a city which is trying to move towards high-tech. It is a city that I am proud to represent in the Congress of the United States, a city which is an investment banking and also insurance growth community.

But the jobs that made Cleveland, Ohio, great, indeed the jobs that made this Nation a great Nation, were the jobs in steel, in automotive and in aerospace, jobs which helped to protect this country through two world wars, jobs which are part of our strategic industrial base, jobs which now we are finding through a single trade agreement, the North American Free Trade Agreement, jobs which began to slip away, not only from Cleveland, but good paying jobs slipping away all over the country.

The U.S. net export losses to Mexico trade suggest a displacement of 378,000 higher wage U.S. goods producing jobs shifted to service producing jobs where weekly wages are 38 percent lower, according to the McMillion report.

The calculations of NAFTA's strongest supporters show that even before NAFTA, wages associated with U.S. exports to Mexico paid less than jobs displaced by U.S. exports from Mexico. NAFTA's investor guarantees, threats of relocation and the size and growth of the Mexican labor force had an even greater effect in depressing U.S. wages and profits.

Now, I use this as a prologue to the discussion about China, because trade with China dwarfs trade with Mexico. At this very moment, the United States annual deficit for trade with Mexico is $70 billion. Since 1992, our trade deficit with China is over $350 billion. Those are American jobs, and they are not just shoes, they are not just handbags, they are high-tech jobs, which I am going to get into in a moment.

What about permanent MFN status with China? Contrary to what certain special interests are saying to Capitol Hill, it is neither necessary nor desirable to grant China permanent MFN trading status. Instead, Congress can and should continue to review China's trading status on an annual basis. Permanent MFN is not necessary. We know the WTO does not require that the U.S. grant China permanent MFN. In fact, the international trade agreement only requires that China receive MFN, but it does not specify that the award be on a permanent basis.

We could continue to review China's trading status on an annual basis and satisfy the WTO. So long as the U.S. does not allow the status to lapse, we would be in compliance without international trade obligations. There is no legal reason requiring Congress to give China permanent MFN status. That is just not my legal opinion, it is that of the Secretary of Commerce, William Daley. At a news conference on December 16, 1999, Secretary of Commerce Daley admitted to a reporter for a Washington trade journal that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports, making it a consumer with a lot of clout. It is hardly that we are in a position of being a helpless nation here. We still can and should set the agenda. So long as the U.S. annually continues to review China's trade status, we have the potential ability to use access to the U.S. market as leverage for gains in worker and human rights. But once China is given permanent MFN, we lose that leverage, and China will be free to attract multinational capital on the promise of super low wages, medieval workplace conditions and prison labor.

Indeed, and unfortunately, that is what some of our global corporations are looking for. Recent history shows that the current Chinese regime is completely incapable of reform on its own. Consider the case of the 1992 memorandum of understanding between the United States and China on prison labor when China agreed to take measures to halt the export of products made with forced labor. According to a recent State Department report, and this is a quote, ''In all cases,'' and that is of forced labor identified by U.S. customs, ''the Chinese Ministry of Justice refused the request, ignored it, or simply denied the allegations without further elaboration.''

If America gives up its annual review of China's trade status, Congress will be unable to do anything about worker rights there. Furthermore, giving China permanent MFN will be harmful to the U.S. economy, since the record trade deficit with China and attendant problems such as loss of U.S. jobs and lower average wages in the United States will worsen. For 1999, the trade deficit is likely to be nearly $70 billion. Once China is awarded permanent MFN and WTO membership, the trade deficit will worsen.

In its September 30 report, the International Trade Commission concluded that China's accession to the WTO would cause an increase in the U.S. trade deficit with China. As a matter of fact, the news today is that this deal may actually hurt the trade deficit, and we all know that, that it will make America's already huge trade deficit with China worse, rather than better. This report from the Associated Press economics writer, Martin Crutsinger, says opponents have gleefully seized on the report by the U.S. International Trade Commission to do their own analysis, projecting the China deal will result in a loss of 872,000 American jobs over the next decade.

That is 872,000 American jobs projected to be lost over the next decade. Will those be jobs in Cleveland, Ohio? Will those be jobs in New York? Will they be jobs in New Jersey? Will they be jobs in Pennsylvania, in Michigan, throughout Ohio, in Wisconsin? Will they be jobs in California? Will they be jobs in Texas? They will be jobs from all over this country.

A little bit later on, Mr. Speaker, I am going to address categorically where our high-tech industries are at risk in this China trade deal. I will address categorically where labor rights violations are taking place, and I will address categorically where human rights and religious persecution, human rights violations and religious persecution is taking place.

Concluding for the moment, there is no legal requirement to award China permanent MFN. Permanent MFN would be a drag on the U.S. economy and cost us the best leverage we have to promote justice in China and throughout the world. So let us avoid a travesty. The President and the Speaker of the House and everyone should chime in and ask Congress to continue

its annual review of China's trade status, and even at this late moment I say, we can come together and approve unanimously of an annual review, but China should not be given permanent MFN status.

At this point I would like to recognize my good friend the gentleman from California (Mr. SHERMAN), Mr. Speaker, if I may yield for a moment, from Sherman Oaks, California, who so ably represents not only that district, but the State of California in this Congress. I am honored to have the gentleman here this evening, and I am so grateful to have the opportunity to share this forum with the gentleman.

Mr. SHERMAN. Mr. Speaker, I thank the distinguished gentleman from Ohio.

Mr. Speaker, I am for trade. I am for engagement with China. I am for American involvement in international organizations that took the lead in keeping us involved in the IMF. But I am against isolationism, I am against protectionism, and I am against this deal.

I want to focus in the minutes that I have on three new developments that occurred today, that I hope Members listening at home or back in their offices will focus on. But, before I do, I want to make a couple of comments building on what my distinguished colleague had to say.

The gentleman pointed out that this whole WTO thing could take place without granting permanent most-favored-nation status to China. In doing so I think the gentleman focused on what this deal is really about. It is not about us getting access to their markets, it is about them having permanent access to our markets.

Corporate America does not see China as a great place to sell things; they see it as a great place to make things to sell here. The best example of that is the fact that India is virtually as large as China, and I have gone the last 3 months without a single business organization saying, ''Oh, my God, there are a billion consumers in India,'' because China offers not a billion consumers, but the largest pool of near slave labor available to those who want to manufacture there and exploit the market here.

□ 2230

They are not willing to make the major corporate investments in factories unless they are sure that they will have permanent access to the American market. Those factories ought to be built here. We should not be facilitating the construction of them in China.

Mr. Speaker, this deal is good for profits; it is bad for working American families. It is good for the central committee of the Communist Party of China, which runs that country and has a monopoly of power and endorses that agreement; it is good for the Central Committee of the Communist party; it is bad for those who seek freedom in China. This deal is good for the People's Liberation Army of China, without whose consent China could not have made this deal. But while it is good for the PLA, it is bad for American security interests.

There are three new developments. The first was brought up by the distinguished gentleman from Ohio, and that is the report issued by the U.S. International Trade Commission. This is the official government entity designed to evaluate trade agreements. The study was requested by U.S. Trade Representative Charlene Barshefsky, the chief administration point person on negotiating this deal. She asked for the study. The study came in and said, this does not just make our trade deficit with China permanent, it makes it bigger. Upon the release of the study, Ms. Barshefsky instead says that the study was premature. Well, that is obvious. A study that helps Congress reject this agreement is premature unless it is released after we vote.

Mr. Speaker, this study came in right at the right time. It was commissioned by a trade representative who thought it would show that this deal was good for American working families. It proves the opposite. As the gentleman from Ohio clearly demonstrates, it costs us 872,000 jobs, but that is an underestimation, because all of the analysis of the U.S. Trade Commission was done on the basis that China would at least adhere to the written document. They have not adhered to their other documents, and in a control and command economy like China, they do not have to.

Mr. Speaker, here in the United States, we publish laws, and businesses are free to do what they want as long as they do not violate those published laws; and if our published laws violate the WTO agreements, we get taken to WTO court. In China, a telephone call in the middle of the night from a commissar is all that it takes to get a business to do something else, and you cannot take a late-night phone call to WTO court. You cannot even prove it ever existed. All that happens is that that Chinese businessperson decides not to buy American goods.

So the first and major development of the day is that the official government agency that our trade representative, the chief architect of this deal, asked to evaluate the deal says this deal is bad for American working families. It is going to cost 872,000 jobs, and I believe far more.

The second major development was the submission to the Committee on Rules of this House of the Berman-Weldon amendment. The Committee on Rules is meeting now. I have been told to expect that they will not allow that amendment to come before this House.

Why is that amendment so important? The amendment simply states that if China, after this agreement in joining trade relations with the United States, easy access to our markets, that if China invades or blockades Taiwan, that it loses access to our markets, they lose the PNTR. China will not accept this; hence, it is unlikely that the administration will accept it, and hence, it is unlikely that the Committee on Rules will accept it. I would like to be pleasantly surprised in an hour or two, although I do not think it will happen.

What does this mean to the Chinese? It is sometimes said that China is inscrutable to the United States, that it is hard for us to know what their system is doing. Trust me, we are at least as inscrutable to them. But how will they interpret the proceedings this week in this House?

An amendment was offered to say that if they invade Taiwan or blockade Taiwan, they lose their trade privileges. That amendment, if it is rejected, sends the exact opposite signal. Who is to blame the Chinese hard-liners if they regard our decision this week to pass PNTR and not condition it on whether Taiwan is blockaded or invaded, how are they to interpret that? They are educated in a Marxist approach which says that corporations are all powerful. They look at this House where they might see just a little support for that proposition, and they may very well conclude that their new corporate allies will defend them and defend open access to America's markets even if they blockade Taiwan. They could reach that conclusion even if some of us here who know this House better might reach the same conclusion.

What conclusion will they reach when their trade grows, not to $100 billion or $120 billion? They will reach the conclusion that American corporations are even more dependent and more powerfully willing to defend access to the American markets, and that that access will continue even if they invade or blockade. If they reach that conclusion, it is not their fault for misinterpreting us. It is our fault for being ambiguous, because this House this week can stand up and say that no access to American markets will be available if Taiwan is invaded or blockaded, or we can do the opposite by remaining silent.

So assuming this bill comes to this floor under a rule that does not allow consideration of the Berman-Weldon amendment, we should expect that China will interpret this as a green light and blockading Taiwan, bringing Taiwan to its knees is relatively, unfortunately, easy.

During World War II, Hitler sent a fleet of submarines to try to strangle another island nation, Great Britain. He was almost successful. But what does China have to do to blockade Taiwan? All it needs is a press release. Imagine a press release from Beijing announcing that the next oil tanker arriving in a Taiwanese port will be struck by a Chinese missile. One press release, one missile. They may even destroy one ship. Would you want to be the captain of the second freighter or

oil tanker on its way to Taiwan? The blockade is so easy for China to do, the only reason they do not do it is fear of American reaction, and if they can be confident of access to the American market. Well, I think we could call this bill the Taiwan blockade authorization act, because that is how it will be interpreted in Beijing.

Mr. Speaker, we cannot put this genie back in the bottle. The issue has come before this House, and if we deliberately cover our eyes to the possibility that trade relations would continue while Taiwan was blockaded, that is the green light the hard-liners are waiting for.

Mr. Speaker, we should be explicit in this bill. Confusion and mis-communication has started wars in the past, even among trading partners. Look at World War I, for example. So there is nothing but danger for our national security interests bypassing a bill that implies without ever stating it that China will have access to our markets even if it begins hostilities.

So this is an issue before this House; we cannot ignore it.

I see that the gentleman from Ohio has a number of other points to make, and I yield back to him.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for his learned presentation. Certainly, the Berman amendment would add a considerable element to this debate so as to indicate our interest in seeing the aggressive nature of Chinese military policy tamed. I might add that our colleague, the gentleman from Virginia (Mr. WOLF), sent a communication today which shows that China has recently received cruise missiles from Russia, a deployment of 24 SSN 22 antiship cruise missiles on a Chinese Sovremenny class destroyer as the most significant recent weapons development by the People's Liberation Army naval forces, according to the Navy officials, and this is in a Washington Times dispatch. These weapons, according to the headline, give Beijing a boost in firepower.

I believe in what President Kennedy said years ago when he said, ''We should not negotiate out of fear, but let us never fear to negotiate.'' So we need to negotiate with China. We need to engage with China, but perhaps what is in line here is a very long engagement.

Mr. SHERMAN. Mr. Speaker, perhaps we should have a long engagement before we have a permanent marriage.

Mr. KUCINICH. Precisely the point, I say to the gentleman. Proponents of permanent MFN for China like to say that once the U.S. gives permanent MFN to China, exports are going to continue to grow. Since industries exporting to China employ Americans, permanent MFN must be good for America, that is what we are told. But I really wonder if it is that simple.

For example, if the gentleman were told, or if we were told that the Yankees, I will say Yankees because they are in our American League, if the Yankees scored 6 runs in a ball game, could we conclude that the Yankees won?

Mr. SHERMAN. Not with today's juiced baseball, you could not.

Mr. KUCINICH. Right. Everyone knows we have to know how many runs the Yankees' opponents scored to know if the Yankees' 6 runs were enough to win. If one is a Cleveland Indians fan one would, for sure.

Mr. Speaker, whether it is baseball or trade flows, people need to see both sides of the ledger. So what is the economic score? The U.S. imports from China, much more than the exports to China, according to data collected by the U.S. Department of Commerce, the U.S. has a trade deficit of upwards of $70 billion for 1999 alone. So while it is true that U.S. exports to China have increased, it is also true that imports from China have increased much more.

Mr. SHERMAN. Mr. Speaker, if the gentleman will yield, I will point out that we have given China most favored nation status on an annual basis several years in a row. Their 1999 imports from the United States are $1 billion less than 1998. So while their exports to the United States grows and grows and grows exponentially every year, our exports to them actually shrunk.

Mr. KUCINICH. Mr. Speaker, reclaiming my time, the gentleman has a good point, and we know that there is more to the U.S.-China relationship than meets the eye. We have to look at the kind of goods the U.S. imports from China.

Now, contrary to the myth, the United States does not just import shoes, but high-tech products from the industries of tomorrow. In almost every major category of traded goods, from agricultural commodities to advanced technology products, the U.S. has a deficit with China.

We wonder, what does all of this mean? Well, China's surpluses in everything from corn to disk drives means that there is not a market in China for any American-made products. Lower tariffs and nontariff trade barriers do not change the fact that China already grows and manufactures more than their population consumes. So we cannot expect current trends to reverse. Exports to China will increase; imports from China will increase much more. I think that when we consider why we have this big push here for permanent trade status, let us look at it.

Mr. Speaker, the large U.S. corporations are the ones behind the push. They want it so that they can invest in new factories in China, use China as their export platform, low wages, no worker rights, no human rights, no religious freedoms, no freedom of speech, no labor voice. They want to sell their products back to the U.S. with confidence that Congress will not levy tariffs or erect trade barriers in the future. I mean, let us face it. Our ability to influence labor rights and human rights depends on having an annual review, I say to the gentleman.

☐ 2245

Mr. SHERMAN. Absolutely. We do not know how much worse things could get in China. Yes, they are pressing bishops and Catholic and Protestant workers in China now, but they have not publicly executed any of them because they are subject to annual review.

If they have permanent trade relations with the United States, then 3 or 10 or 20 executions, whether it be of those practicing Christianity or those practicing Buddhism in Tibet, would subject China not to the possibility of losing its trade relationship but only to a harshly written letter from the United States, a report outlining just how terrible these violations were.

When we look at China today and see how bad it is, we should not just look at how bad it is or how much better it might get but how much worse it might get.

Mr. KUCINICH. Reclaiming my time, the gentleman is absolutely correct. Even with annual review, now think about this because we have talked about these things many times, even with annual review, as our friend, the gentlewoman from Ohio (Ms. KAPTUR) has pointed out, the right to freedom of belief is explicitly denied to 60 million members of the Communist party of China. The Falun Gong, thousands of their practitioners have been arrested.

I heard the gentleman from Virginia (Mr. WOLF) on the floor today saying that eight Catholic bishops were arrested. Now here we are on the very day we are talking about a medal for the Pope, who I greatly admire, celebrating his force for spiritual good in this world, China is arresting Catholic bishops.

Now, is it going to get better if we have no review, I would ask the gentleman? What does the gentleman think?

Mr. SHERMAN. Well, right now China has been emboldened in a way that I did not think would occur this particular month. Clamping down on the religious group that the gentleman pronounces so well, clamping down on both Catholics and Protestants, a thousand nuns and monks expelled from their monasteries in Tibet, all in the weeks before we are supposed to vote. Imagine if this is the last vote. How many more Christian practitioners, how much more will they clamp down?

Keep in mind the proponents of this deal postulate the idea that with increased trade there will be a challenge to the monopoly power of the Communist party of China. Now I do not think that challenge will occur, but if it does they will clamp down and do whatever it takes to maintain that monopoly power, and no matter how many executions occur, the worst the Americans can do to them is a really tough letter and a really long report, but they will not lose a single penny. That is not a situation that is conducive to human rights in China.

Mr. KUCINICH. I agree with the gentleman. At the same time, we have to

look at the Chinese to know that the Chinese people are our brothers and sisters. They are not cut off from the grace of God. They are our brothers and sisters. And because they are our brothers and sisters, because they are people in China who are suffering under inhumane working conditions, slave labor conditions, working for 3 cents an hour making handbags, or a little bit more than that making electronic equipment, we have a responsibility to stand up for human rights to review the conduct of their government. Now the development of a new economic model in any government has to be challenging, we recognize that, but U.S. corporations have great power. What is happening when they go to China, it is as if they are averting their eyes. They do not want to see what is happening, and yet when we see Motorola, figures available from 1996, now it is billions more since then, Motorola investing $1.2 billion in China; Atlantic Richfield, $625 million; Coca Cola, a half a billion dollars; Amoco, $350 million; Ford Motor, $250 million; United Technologies, $250 million; Pepsi Cola, $200 million; Lucent Technologies, $150 million; General Electric, $165 million.

Now granted, make multiples of that and we will know the investment today.

My first question is what is wrong with investing in America? My father fought in World War II, had his leg shot out at a place called Bougainville, spent all of his life with a limp and a silver plate in his leg like so many people in that generation who fought for this country, who fought for that flag, they did not fight for it so their grandchildren would not be able to get a decent job. They did not fight for it so American corporations would forget the red, white and blue and begin to worship the great green god of the dollar bill as if that is the only value we need to be worried about.

People fought to defend this country because we believe in basic human dignity, because we believe in human rights, because we believe in basic freedom, because we believe in human liberty. That is something that we have believed in through more than 200 years of our existence as a Nation. That is something that men and women have died for, and we are going to give it away just with the signature and the stroke of a pen.

That cannot happen. We cannot stand here and watch while China is being used with all of its anti-democratic tendencies as an export platform back to the United States, wiping out millions, eventually, of American jobs, good-paying jobs. And then where do American workers stand when they fight for their rights?

Mr. SHERMAN. If the gentleman will yield, I think he makes an excellent point.

Mr. KUCINICH. Certainly.

Mr. SHERMAN. The gentleman mentioned Motorola, which is bombarding the country now with an advertisement in which they hold up a cellular telephone and say that China has 1.2 billion people who might use cellular telephones, implying that American workers from coast to coast will be making cellular telephones and shipping them to China.

I think the gentleman would agree that it is more likely that what Motorola sees there is 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for 10 or 15 cents an hour who can make the cellular phones and ship them here.

Which does the gentleman think is more likely, that Motorola plans to make something here, paying union wages or high American wages, $10, $15, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. KUCINICH. As usual, the gentleman is right on the mark. We know that these major corporations are looking at China as a labor pool of 1.3 billion.

Here are some quotes that we pulled out from some of our major corporations. Coca Cola Systems in China spends about $600 million each year in sourcing all of its raw materials and packages within China. Delphi Automotive Systems aims to eventually close the gap between the Chinese automotive component industry and the world. Dow Chemical seeks to create in China the large scale production required to be a major supplier to customers in China and beyond. In Eastman Kodak's view, in a market such as China with the value of businesses expected to grow rapidly, local manufacturing is simply a better business model. Eastman Kodak's China manufacturing operations reflect Beijing's determination to create professional enterprises which could displace imports and boost tax revenues.

GE Shanghai Silicone's factory will replace imports from the United States, and on and on and on.

Now in the 10 minutes which we have left, I would like to continue this colloquy and as the gentleman was talking about the cellular telephones, I looked at the index to this report by Charles McMillion. It is a report which talks about China's rapid leap into advanced technologies. It is really the rapid leap of U.S.-based multinational corporations into the advanced technologies. They talk about in the advanced technology products, the U.S. now imports 64 percent more than it exports.

Now everyone knows about the difficulties we have had in steel, automotive and aerospace. As a matter of fact, when I first came to Congress, representatives from Boeing were among the first in my office already laying the groundwork for permanent trade status for China; and they were admitting to me openly that the price of entry into the market in China was for Boeing to give China its prototypes for the most advanced aircraft manufacturing. So much for the tens of thousands of American jobs on the line at Boeing and now McDonnell Douglas.

The gentleman made a comment about cellular phones. In this report, which talks about advanced technology trade losses, they mentioned cellular phones. In 1999, America imported $98,517,366 worth of cellular telephones from China.

The gentleman from California (Mr. SHERMAN) is an astute gentleman. How much does the gentleman think the United States exported to China? We bought close to $100 million in cell phones from China. How much did China buy from the U.S. in cell phones, I would ask the gentleman?

Mr. SHERMAN. I do not think we export cell phones to China. I think we only export jobs to China.

Mr. KUCINICH. So the gentleman's answer would be none?

Mr. SHERMAN. Zero.

Mr. KUCINICH. The gentleman is correct. Is that your final answer, though?

Mr. SHERMAN. That is my final answer. If I can make a comment or two here.

Mr. KUCINICH. Please do.

Mr. SHERMAN. Up until recently it was low-tech factories going to China to make low-tech products, the handbags the gentleman talked about. That was because one could not invest a lot of money in China if they were not sure that the products could come back to the United States because that was why they were building the factory.

Mr. KUCINICH. Correct.

Mr. SHERMAN. Now that we give guaranteed permanent entry to the U.S. market, multibillion dollar factories, the kind that make the high-tech products that we are still as of today competitive in, those can go to China as well and pay 15 and 20 cents an hour. So it used to be that I was only worried about the capital flight, that a billion dollar low-tech factory would be built in China when that same money might be available here to build a different kind of factory that could employ American workers and perhaps even making a different product.

Especially our Republican colleagues are always talking about how we need more capital, how we have to encourage savings. Well, we could pass the biggest tax bill designed to increase savings and if it leads to another $30 billion in savings, all of which are corporations borrowing and investing in China, then we are exporting capital for the purpose of exporting jobs, and we can imagine what effect that has on wages. We have enough jobs in America, but we need a situation where there is the labor shortage that causes those jobs to be paying a living wage.

Mr. KUCINICH. The gentleman is right. When the gentleman considers

where we are going in the future with this 64 percent difference in imports and exports with China, earlier I mentioned the score, let us look at some scores here. Camcorder, $176 million from China; $58,000 to China. Laser printers, $101 million from China; zero that we sent to China.

Mr. SHERMAN. So it is not just toys and tennis shoes.

Mr. KUCINICH. Oh, no.

Mr. SHERMAN. This is the kind of stuff that Americans could make competitively. I have laser printers made in the United States on my desk now. This is not like little toys that sell for a buck or two.

Mr. KUCINICH. Exactly. Here is another one. Laser printers with control and printer mechanisms, $88 million from China; zero from the United States. More scores here. Radio transceivers, $62 million from China; zero from the United States. Going on, fax machines, $35 million from China; zero purchased in the United States. And it goes on and on and on in this report where all of these jobs where China is being used as this export platform for all of this high-tech but the real thing that will get, I think, every American, listen to this.

□ 2300

Turbo jet aircraft engines, $3.7 million from China, zero from the United States. Turbo prop aircraft engines, $1.5 million from China in 1999, zero from the United States. Radar designed for boat or ship installation, $1.5 million from China, $8,000 from the United States. Reception apparatus for radio, $1.3 million from China, zero from the United States.

Then we get into the military. Listen to this. Parts of military airplanes and helicopters, we are buying this from China, almost a half a million dollars, zero sold from the United States. Parts of aircraft gas turbines, almost $1 million from China, zero from the United States. Binoculars, almost $1 million, zero from the United States. Rifles that eject missiles by release of air and gas, over $1 million, zero from the United States.

Concluding on this part, and something that would really frost most Americans, we are buying from China bombs, grenades, torpedoes, and similar munitions of war.

Where are we going with this China trade? It is time for America to pull back here and to reassess where we are going, how our national security is at risk, how our stand for human rights and workers' rights is at risk, and how, if we are to stand for anything as Americans, we ought to stand for the interest of the United States first and foremost.

Mr. SHERMAN. Mr. Speaker, if I can interject, I want to commend to our colleagues, and I thank them for watching us instead of those Friends reruns on television, a dear colleague that I have addressed dealing with the Berman-Weldon amendment, summarizing why it is essential that this amendment be included in anything that passed this House; otherwise, we would be giving the green light to China to blockade Taiwan.

A second dear colleague I would like to mention, this was delivered, I believe, to every Democrat in the House, it is a letter that arrived just hours ago from the President of the United States, and I want to, time permitting, respond to a few comments in it, respectfully, because they are from the President.

The one comment I would like to respond to is the argument that this is going to lead to higher wages in China. The letter states, ''More Chinese workers will find jobs with foreign companies where they will get better paying conditions, and Chinese companies will be forced to compete. In China, you are dealing with upwards of 700 million workers. How many more jobs would our investments in China have to create before we had an effect on the price of laborer the compensation of labor in China?''

My fear is that it is not when the President says that more Chinese workers will find jobs in American-owned factories in China, that means fewer American workers will find jobs with American factories in the United States.

Mr. KUCINICH. Mr. Speaker, here is the point that comes off of what the gentleman from California is making in this few minutes that we have remaining. We are all for the people of China being able to have workers' rights and have a decent living. It is pretty hard, though, when we have labor activists that, the minute that they start to organize, they go to jail.

I have a list here, a pretty long list, of individuals who, the minute they try to start speaking about trying to get better wages out of these U.S.- multinational corporations based in China, they end up in jail.

So I think that, again, Mr. Speaker, I want to thank the gentleman from California (Mr. SHERMAN) for his participation in this last hour. I think that what we have been able to establish is that this Congress tomorrow ought to be voting to defeat permanent trading status for China. We should have an annual review. Let us keep China engaged, but let us not turn away the only real lever that we have, and that is our ability to set the rules through annual review.

Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN) if he would like a final word.

Mr. SHERMAN. Mr. Speaker, one other thing our colleagues should do when they first wake up tomorrow morning is ask their staff, is the Berman-Weldon amendment made in order by the rule? If not, then if we go forward tomorrow, we are giving the green light for a blockade of Taiwan.

The least we could do to avoid miscommunication with China is to tell them that, if their friends in America are powerful enough to give them permanent most-favored-nation status, at least that status will disappear should they begin military action against Taiwan.

IMPACT OF ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 55 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again tonight to apologize to the staff that is working late into the evening, and appreciate the Speaker's indulgence and other Members who are listening tonight.

I always try to come before the House on Tuesday nights during these Special Orders to bring to the attention of the Members of the House of Representatives the Congress and also the American people, the number one social problem that we face, and that is the problem of drug abuse, illegal narcotics, and drug addiction in this country.

Over and over, I have repeated some of the statistics, and the statistics are mind boggling. The National Office of Drug Control Policy and our Drug Czar Barry McCaffrey have estimated that, each year, over 52,000 Americans die directly and indirectly as a result of narcotics abuse in this country; that in the last recorded report to the Congress in 1998, in fact, 15,973 Americans lost their lives as a direct result of narcotics abuse. I have not yet seen the 1999 figures, but I am sure they are even worse.

The situation is basically out of control with 70 percent of those behind bars in our prisons and jails, incarcerated across this land are there because of some drug related offense.

The cost to our economy is in the quarter of a trillion dollars a year range. The destruction of lives, not only lost, but those left behind in families torn apart in the agony of drug abuse, an addiction that so many families have experienced, is devastating.

Almost every report that we have that comes before us today in our media, the account of a 6 year old killing a 6 year old, drugs were at the heart of the problem of that family, and that 6 year old coming from a crack house. A 12 year old taking a gun to school and threatening his classmates wanted to be with his mother who was in jail on a prison charge. A 17 year old who attacks at the National Zoo during the recent holidays, crowds of people, innocent bystanders, he comes from a family involved in drugs, a father and gangs involved in illegal narcotics. This story goes on and on.

We can place the blame on a weapon or something else, but we do not pay attention, as I have stated before, to the root problem in many, many of these instances, which is illegal narcotics, drug abuse, and addiction.

Tonight, I want to pick up from where I left off last week and talk a bit about some of the impact of illegal narcotics. Now, we know in our land that nearly half of Americans have tried some type of form of illegal narcotic, and we know that, in fact, using some illegal drugs such as marijuana does lead to use of other types of illegal narcotics. We have seen the results which are devastating in our communities.

I come from Central Florida. I represent the area between Orlando and Daytona Beach, probably one of the most economic prosperous growing areas in our country and one of the most beautiful areas across our land, and that area has also been ravaged by illegal narcotics, particularly heroin abuse. Heroin in the 1950s, 1960s, 1970s was somewhat limited to the inner cities, to lower socioeconomic and minority population abuse. It was intravenously abused by drug addicts. The availability of heroin was really not that extensive in Central Florida or in most areas of our Nation, again mostly an inner city problem.

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Most people did not pay attention to it.

But in 7 short years of this administration, we have seen the tide of heroin coming into our States from the foreign production, predominantly Colombia, in unprecedented quantities. In fact, in 1992–1993, the beginning of this administration, there was almost no production of heroin in the country of Colombia, and today Colombia accounts for 75 percent of the heroin. That heroin is finding its way into our streets and our neighborhoods, our schools, and now our young population.

I have a copy of a recent May 8 headline, and it says Suburban Teen Heroin Use on the Rise. So what was confined to our inner cities, what was confined to hard addicts is now really becoming a plague upon our teenagers and those in our suburban communities.

In my area of Central Florida, we have had headlines that have blurted out that heroin overdose deaths and drug deaths now exceed homicides. And the same, unfortunately, is true in many other areas of our land.

Part of this article, which is just several weeks old, says, and let me quote, ''Heroin is back. It's cheaper, more potent, and more deadly than ever, said Bob Weiner, an aide to White House drug policy director Barry McCaffery.'' And what he is saying is, in fact, that the heroin on our streets today, as opposed to the heroin in the 1970s, even the 1980s, is of a much purer, much more deadly content, sometimes reaching 70, 80 percent purity.

In my area in particular they are getting very pure heroin, and that is deadly heroin. That is why it is killing our young people and others in such incredible numbers.

Unfortunately, this report talks about teenagers, but, in fact, the spread of heroin has also affected other parts of our population that have really not seen the ill effects of heroin in the past. This headline is from May 9 in USA Today and it says Heroin's Resurgence Closing Gender Gap. This article says that girls are now becoming the victims. Again, previously, this was limited to inner city populations and also a male drug of choice.

Let me quote from that USA Today article, if I may. ''Heroin's reemergence comes at a time when girls, far less likely than boys to drink, smoke marijuana, or use harder drugs, such as heroin, now appear to be keeping pace with them, says Mark Webster, a spokesman for the Federal Substance Abuse and Mental Health Administration. Webster's agency, after finding that existing drug prevention programs helped reduce drugs only among boys, recently helped create an advertising campaign called Girl Power to deliver antidrug messages to girls.''

Fortunately, in the billion dollar campaign that Congress has funded to deal with the emerging narcotics problem on a multifaceted basis, we are starting to address this. But, nonetheless, there is an incredible explosion of use among the female population and also among the youth population.

I also began a week or two ago citing part of a report, and I wanted to refer to it tonight. It is an interagency domestic heroin threat assessment that just came out about a month or two ago from the National Drug Intelligence Center in Johnstown, Pennsylvania. That interagency domestic drug assessment had some interesting new data that I would like to make part of the record tonight and also call to the attention of the American people and the Congress.

First of all, this report talked about heroin use in the United States of America and particularly in the West. According to the Drug Abuse Warning Network, which is also known as DAWN, heroin-related emergency department mentions in the western United States increased some 28 percent in recent years; heroin-related deaths between 1993 and 1996 rose in all 12 States of the western region during that time frame. In Oregon, the State Medical Examiner's office reports an average of five people a week died of heroin-related causes in the first 6 months of 1999.

To further look at some of the more recent statistics and data in this report, and again focusing on the western part of the United States, the report says that seizures at the southwest border increased from 52 events and 103.8 kilograms seized in 1997 to 80 events and 145.9 kilograms in 1998.

What is interesting about the heroin that we see coming in from this area is not only do we have the Colombian heroin that almost did not exist at the beginning of this administration, we now have, in double digits, very strong, very pure, very deadly black tar heroin coming from Mexico. Mexico, in fact, and not too many people will publicize this, particularly at a sensitive time, with elections in Mexico and elections in the United States, but from 1997 to 1998, in the most recent statistics we have of heroin seized in the United States, Mexican black tar deadly heroin has increased some 20 percent in just a 1-year period, again a dramatic increase in heroin coming from our neighbor to the south.

According to the Drug Abuse Warning Network, again the acronym DAWN, heroin-morphine related emergency department mentions in the southern United States increased 165 percent between 1990 and 1997. Heroin-related drug treatment admissions in the southern United States increased 13 percent between 1992 and 1997, according to DAWN's treatment episode data report.

Heroin use in the north central United States is also on the increase. So this is not just a regional problem, a limited regional problem to Florida and the southeast or the Southwest, but this report also details what is going on in the north central States.

Heroin-morphine related emergency department mentions increased some 225 percent in the major cities in the north central United States in the period between 1990 and 1997. Chicago heroin-morphine related incidents increased 323 percent in that same period.

☐ 2320

St. Louis morphine and heroin-related deaths increased some 350 percent from 105 in 1990 to 472 in 1997. And then this report also details the Northeast United States statistics and what is been happening with heroin in that area of the country. According to this report, heroin-related emergency department admissions increased 116 percent between 1990 and 1997 in the Northeast United States.

Heroin-related drug treatment administrations increased 50 percent between 1992 and 1997 according to the DAWN episode data report. The most significant increase according to this report was in Buffalo, New York, where heroin-related emergency department mentions increased some 344 percent from 106 in 1990 to 471 in 1997.

I think a very interesting report that does show the dramatic increase of drug use and abuse particularly heroin across the United States and that deadly substance and what its effect is having in cities that my subcommittee has examined is quite remarkable. I want to use tonight the example again of Baltimore, Maryland. Our Subcommittee on Criminal Justice, Drug Policy and Human Resources recently conducted an oversight and investigations hearing in Baltimore.

Baltimore is really one of the most historic and beautiful cities on our eastern coast, and Baltimore for nearly a decade had a mayor with a very liberal attitude towards illegal narcotics, a liberal needle exchange program, a

lack of enforcement of narcotics laws that are on the books of not only Baltimore but also this State of Maryland and a lack of cooperation in going after drug users and abuser. That type of action has related in an incredible record of drug addiction in Baltimore.

Baltimore is an example of a city whose population has gone down, down, and down from over 900,000 to somewhere in the 600,000 range, while the addiction population has gone from somewhere about 39,000 in 1996 to some estimated 70,000 or 80,000. In fact, one of the city council members was recently quoted saying that one in eight individuals, citizens of Baltimore are now addicted and primarily to heroin.

This is a city whose experiment is a failure. This is a mayor whose legacy is death and destruction and addiction. If this was replicated across the United States, we would have tens and tens of millions of our population addicted. Again, a liberal policy possibly well intended, but the liberalization in fact did not work, and it has addicted an incredible percentage of the population of Baltimore.

I am pleased that after the hearing that we conducted there and after the testimony of the police chief, the police commissioner of the city of Baltimore who really had a lackadaisical attitude towards enforcement and going after open air drug markets and after his testimony was heard by the mayor and others that he was, in fact, dismissed. It is my hope that the new mayor, Mayor O'Malley, and I am pleased to see that he is considering a new policy, a cleanup campaign for Baltimore that I hope will be unprecedented.

Baltimore has suffered this level of addiction, has also consistently experienced a high level of deaths per population, over 300 deaths in each of the last 3 years in Baltimore. And we compare that to New York City, some 650, 670 deaths, the last several years. New York City with a zero tolerance policy has cut the murders by some 60 percent. They cut the overall top felony record in that city by some 58 percent with Mayor Rudy Giuliani's zero-tolerance policy.

But, in fact, Baltimore is an example of a city who attempted a severe legalization and liberalization of drugs and experienced, in fact, an unmitigated disaster.

That is a little bit of where we are and an update of what is happening with the heroin across our land.

Again, I would like to point out to my colleagues and the American people that, in fact, we know what does work in the area of drug abuse. I am sure the liberal colleagues all choke when they see this chart come up, because the chart is probably the most graphic evidence of a policy of success in the Reagan and Bush administration when there was a real multifaceted war on illegal narcotics. When we had source country programs, an Andean strategy devised under the Reagan administration, a Vice Presidential task force lead by former Vice President Bush, in which they went after illegal narcotics as they were leaving the source countries in a tough interdiction policy, utilizing in fact in a war against drugs all the resources of the United States, and we see that in the Reagan administration.

And again this is untouched. I have only added the names of the administration and put a little divider in here to show where they began and ended. But you see a successful multifaceted war on narcotics. Again, the source country, reduction, interdiction, use of all of our resources in that effort, a President that said, in fact, we will have a full war on drugs, two Presidents that said that, and we see the success.

Now, many will tell you that the war on drugs is a failure, but I submit that the war on drugs began failing at the beginning of the Clinton administration, when we saw the dismantling of the source country programs, the gutting of the Andean strategy, the dismantling of use of the military against illegal narcotics, the closedown of surveillance operations that provided information to our allies in the war on drugs. So we see the total failure and the very direct closedown of a war on drugs.

If you want to talk about a war on drugs that was a success, you need only look at the Reagan/Bush era. If you look at when you had a failure on the war of drugs, it is when you dismantle piece by piece directly the war on illegal narcotics.

The only change we see here is with the coming of the Republican-controlled, the new majority in Congress, that we began putting some of these programs back together again. And we have only begun to see a leveling off with that effort.

But, in fact, one of our major problems is that even authorizations by the Congress are ignored by this administration. Let me just put up a couple more charts, if I may.

Tonight I was talking about update on heroin, heroin use and its prevalence. Again, you see a leveling and some decline during the Reagan administration. During the Bush administration, you see a concerted effort and a reduction. And then you see a dramatic increase practically off the chart in the Clinton administration. When you do not have a multifaceted approach, when you do not stop illegal drugs at their source or before they come to our borders, these statistics cite what happens and very graphically show why we have an incredible amount of heroin on our streets, why we have the reports like I just read.

□ 2330

The same thing happens with our young people. This shows 12th grade drug use. The first chart we showed was lifetime prevalence of drug use. But each of these charts and each of these lines on the chart in fact show the trends here with illegal narcotics use. This line, the top line, is lifetime use. The red center line is annual use. The third line is 30 day use.

Again, if we take this back to the Reagan-Bush era, we are coming with a reduction in 1992, with the election of the President Clinton, with the just-say-maybe, with the appointment of a Surgeon General, the chief health officer of the United States, saying just-say-maybe, with a White House which had so many people in its employ that had recent drug abuse histories and problems that the Secret Service insisted on a drug testing program. That was one of the reasons that they in fact wanted to do away with some of the background checks for White House employees, is because they were not passing them, and only after the Secret Service insisted on instituting a drug testing program for White House employees did we see any change there. But in fact some of these people were setting the policy.

You see again upward movement in all of these areas through the Clinton Administration of 12th graders in drug use. Here again you see the leveling off, the beginning of the period in which the Republicans took control of both the House and the Senate and some of the efforts that were put into place in restarting some of those programs. So you see a beginning of a leveling off in that period.

This again is a statistic that I cited tonight in the news report about suburban teen heroin use, and gave the headline from a few weeks ago. This shows in 1996, again, when we took over the House of Representatives, the situation that we inherited as far as suburban teen use. This is the situation we are now faced with, a flood of heroin coming in, predominantly from Colombia, but also from Mexico, as I mentioned. Colombia and Mexico are probably two of the crowning failures of this administration and resulting in the incredible volume of heroin coming into the United States.

Time and time again, this administration has thwarted, as I said, both legislative directives and appropriations to stop heroin production in Colombia. The entire Colombia scenario started in 1994 when this administration closed off information sharing with Colombia. That measure, which was opposed, I must say by even Democrats and all of the people on my side of the aisle, but it outraged everyone, because it brought an end to information sharing with our allies, Colombia, Peru and other countries, and was the beginning of the end of a policy that had begun to make some dramatic changes in Colombia.

If you remember in Colombia, steps had been taken to dismantle some of the drug cartels, and we were on our way to bringing that Nation into some balance. All that fell apart with the beginning of ending surveillance information sharing.

The next mistake by this administration was in fact to decertify Colombia without a national interest waiver, which meant that even equipment and resources which the Congress had appropriated would be denied to Colombia. In fact, when you do not have any war in Colombia or effort by the United States to stem the production of illegal narcotics, when you do not have equipment and resources going in to that region to eliminate the production of the crop, to eliminate the transshipment from the source zone, and you do not use the military and others to provide information and surveillance back to the source country to stop the illegal narcotics and interdict them as they come out, this is the result that we see, is an incredible volume of heroin coming into the United States at lower cost, at higher and more deadly purity levels, and we see now suburban teen heroin use on a dramatic rise in the United States. Again, it can be traced to Colombia and also to Mexico.

Another failure in this administration's policy, which in fact certified Mexico as cooperating when Mexico has done everything to the contrary but assist the United States, failing to extradite even a single Mexican drug dealer after dozens and dozens of extradition requests, failing to sign or negotiate a maritime agreement, which this Congress just several years ago insisted that Mexico do as a part of its cooperative effort to eliminate narcotics trafficking, failing to allow our agents to adequately arm and protect themselves, and also keeping a limit of just a handful of DEA agents in that country. They do not want drug agents in that country, because the corruption from the police level to the President's office and throughout the states of Mexico has in fact run rampant, and in fact Mexico has thwarted again all of our efforts at enforcement, going so far as in the largest operation in the hemisphere, probably the history of this hemisphere, to go after corrupt money laundering in Mexico, operation Casa Blanca, where Mexican officials threatened the arrest of United States customs officials and others involved in bringing to justice Mexican and U.S. and other banking officials who were involved in that huge money laundering scheme.

So, another failure, a failure in Colombia, now a source of 70 to 80 percent of the heroin. Again, almost zero was produced in 1992–1993. Further, Mexico, after giving Mexico incredible trade benefits, financial benefits, opening our borders to Mexico, in fact this administration had failed to gain their cooperation in the devastation that is raining on our communities, and a 20 percent increase in black tar Mexican heroin on our streets in a 1 year period of time.

Mr. Speaker, as I continue talking about the drug narcotic problem and I focus some on heroin tonight and also on teen use of heroin, which we have seen a dramatic increase in, and also the tremendous volume of heroin coming across our borders, I wanted to report some of the other statistics that we found relating to this new phenomena.

□ 2340

The number of heroin users in the United States has increased, again, according to the last chart I showed, from 500,000, half a million in 1996 to 980,000 in 1999; and we know exactly where that heroin is coming from. We know why that heroin is coming into the United States.

One of the interesting statistics in this report was that the rate of first use by children age 12 to 17 increased from less than 1 in 1,000 in the 1980s to 2.7 in 1,000 in 1996. First-time heroin users are getting younger, from an average age of 26 years old in 1991 to an average age in 1997 of only 17 years of age.

Again, I have cited the failure of this administration's policy in curtailing some 60, 70 percent of the heroin coming in, which is produced in Colombia now and, again, almost none produced there in 1992, through 1993; 17 percent of the heroin in the United States now coming from Mexico. We know, looking at this map, we have Colombia, which is the source of most of the heroin; we know that it is leaving this area.

We also know that since we have instituted very successful programs in Peru and Bolivia where they have cut coca production and cocaine production by some 50 to 60 percent in this area through a successful program set up by the gentleman from Illinois (Mr. HASTERT), the previous Chair of the Subcommittee on Drug Policy, those successful programs, coupled with the failure of the administration's program to institute the same type of actions in Colombia, again, even though the Congress appropriated funds; even though the Congress directed those programs to take place in Colombia, we now have some 80 percent of the cocaine produced and coca produced in Colombia. So we know we need Colombia covered as far as surveillance information, as far as knowing where drugs are coming from, as far as going after drugs at their source.

Unfortunately, in May of last year, the surveillance flights stopped from our major forward operating location in the Caribbean, that was in Panama, and of course the United States, it is now history, was forced to remove all of its operations, turn over $10 billion in assets to Panama, close down its antinarcotics flights from that area. This chart that I have here shows the patchwork that is being put together by the administration in trying to replace what we had in Panama. Panama had a strategic location and could cover all of this region with flights out of that area. Unfortunately, between 1992 and 1999, one of our more recent reports that we requested showed that the administration had cut these flights some 68 percent. Additionally, maritime actions and surveillance operations were cut by some 62 percent.

So that is why we have a flood of heroin coming into this area. We do not have these locations that are starred here and circled here, which we intended as substitutes for the Panama operation in place or fully operational. At this time we have in Manta, Ecuador an air strip. We have just signed a 10-year agreement after a year delay; but unfortunately, there is somewhere in the neighborhood of $80 million to $100 million in work that has to be done, and an outdate of the year 2002 before this operation will become fully capable of functioning. We have in Curacao and Aruba a limited amount of coverage from that location, and the star here in El Salvador, we have no operations in that location. We are just in the process of concluding an agreement which must be presented to their legislature.

When we get through with this, we are probably looking at $150 million. Now, we lost $10 billion in assets to Panama, were kicked, basically, out of Howard Air Force base, so we have no drug operations in that location. We only have a fraction of the former drug surveillance flights, so there is a fraction of the information getting to stop illegal narcotics. Of course, we know the history of the administration blocking aid and equipment to Colombia. Repeated requests for 5 years to get Black Hawk helicopters to Colombia which can operate in high altitudes, eradicate crops, go after drug traffickers, and we know that the narco-traffickers who were involved in drug production are also financing the civil war in that country in which some 35,000 people have been slaughtered; 5,000 police, elected officials, supreme court members, members of their congress have been slaughtered; and yet we have not been able to get even basic equipment in there in the form of helicopters that have been promised for some number of years now. Even when that equipment was delivered at the end of last year, after numerous delays, it was delivered there without the proper armoring and without the proper ammunition.

Mr. Speaker, we found that some of the ammunition that we had been requesting for years to get down to Colombia to go after the drug traffickers was, in fact, delivered to the loading dock of the State Department during the Christmas holidays; and now we find, even more disturbing, that some of the bulk of the ammunition that has been supplied to Colombia is outdated, possibly dangerous, 1952 ammunition that was purchased by the State Department in a bungled procurement.

This is a very sad picture, but it is a very true picture of what has taken place. Again, this is not in place, this is what is proposed, but this accounts for the flood of heroin coming into the United States out of that transit through Mexico, through the Caribbean. Much of it, we found in recent

hearings, is transshipped through Haiti. Here is another incredible failure of this administration, spending some $3 billion, one of the most farcical foreign policy adventures in the history of the entire Western Hemisphere.

Mr. Speaker, after repeated pleas with President Clinton, I came to this floor many times saying, we cannot impose an economic embargo on a country where people are making less than a dollar a day, where the country is basically operating with 60,000 to 80,000 manufacturing jobs by U.S. businesses who have invested in that country, imposing an embargo that closed down industry, manufacturing, private sector activity through the entire population on to a Clinton-style welfare program which we are now supporting, and Haiti is a country in which taxpayers of the United States not only got into this subsidization and welfare because the Clinton policy destroyed the economy, but we now see Haiti as the major transshipment point through the Caribbean in a lawless society which, just within the last number of hours, has conducted an election and we will see how that goes. In the meantime, the puppets that we have put in place have slaughtered people in unprecedented numbers; and chaos reigns on the island, which is now open to drug traffickers.

□ 2350

We had before our subcommittee some videotapes of drug traffickers landing at will and transshipping heroin and other illegal narcotics, cocaine, through Haiti, again where we spent hundreds of millions of dollars supposedly building judicial institutions, police forces and other expenditures to so-called nation build that have been a complete failure.

So this is why we have unprecedented quantities of heroin coming into the United States. It would be bad enough if we just had heroin and cocaine, but these charts which I showed last week, I would like to bring up again tonight, and again I did not produce them. The administration's own Commission on Sentencing brought these to our subcommittee and it shows crack in yellow and the darker color here is methamphetamine and it shows 1992 almost not on the charts. The prevalence in 1993 begins to increase with the advent of this administration; 1994, it becomes an even broader pattern across the United States; 1995, spreads even further. One would think this was something put out by the Republican National Committee here as propaganda but, in fact, these are the charts that were given to us by the administration's own Sentencing Commission.

Look at the prevalence of crack in 1996 and methamphetamines, 1997; 1998 reaching epidemic proportions. We not only have heroin epidemics in parts of the country, an increase as a result again of this huge influx coming from Colombia and also from Mexico, two major failures of U.S. foreign policy, some of it through Haiti, another failure of policy, we now have an incredible meth and crack epidemic in many parts of our country. The chemical that helps produce this, and meth gangs in our hearings have produced some incredible results and documentation, the meth dealers and the meth product is coming out of Mexico to communities like Iowa and we will be going out there to do a hearing shortly, our subcommittee. We held hearings in Sacramento, in that area of the State, and San Diego. Meth epidemics, incredible tales of how methamphetamines destroys people's lives, causes them to abandon their children. It is far worse than the crack epidemic that we had in the 1980s, and meth does incredible damage to people, causes them to commit bizarre acts.

What was interesting, again these two charts show the meth epidemic and crack epidemic across this country, is that we have had in our Subcommittee on Drug Policy criminal justice drug policy scientists who show us what meth does to the brain.

Tonight, as we get towards the end, I wanted to show a little bit to the Members of Congress and others who are watching what takes place. This is a scientific brain scan presented again to our subcommittee. It shows the normal brain here, and we see a lot of the yellow here. This would be the normal brain pattern. Then it shows a gradual reduction in dopamine, which is so important to brain function, because of meth use. This is additional methamphetamine use. The only thing a habitual methamphetamine user has differently from this last brain scan, if we look at that, is a tiny bit of brain capability left. The last scan is severe Parkinson's's disease. So meth destroys the brain and brain function. It is not something that regenerates, according to the scientists.

This is a very graphic illustration of the destruction of the human mind, the brain, and it accounts for the incredible acts of violence, the spouse abuse, the child abuse, the abandonment of family and life as we know it when people become addicted and their brain is destroyed by methamphetamine.

Unfortunately, as I said also, heroin, which has such a glamorous connotation today, is more deadly than it has ever been. In the 60, 70 percent purity levels, when mixed with other substances, it is accounting for incredible record numbers of deaths across the United States. When used sometimes by first-time users it results in fatalities and drug-related deaths at record levels. The only thing that has kept our level of heroin deaths at a gradual increase in deaths and not even higher records is the ability now to provide anecdote medical treatment, emergency treatment. However, admissions for overdoses are, in fact, soaring, as I cited, throughout every region of the United States. Unfortunately, it is not a very pretty picture. Unfortunately there have been some serious mistakes made by this administration, by the Congress when it was controlled by the other side from 1992 to 1994.

It is a difficult task to pick up humpty-dumpty, so to speak, and put it back together. It is a difficult task to conduct a war on drugs after a war, in fact, has been dismantled.

I am pleased that the Republican-controlled Congress has dramatically increased the funding of programs across the board in a very balanced fashion. The success that we knew in the Reagan and Bush administration when drugs were going down, according to charts not produced by me but universities and others, very competent sources, showed that that was a successful program. So this Republican-controlled Congress has increased source country programs back to the 1992 levels, the 1991 levels.

Interdiction, we are trying to bring the military back in to this program. The military does not arrest anyone. It merely provides surveillance information. And reinstitute forward operating locations which have been dismantled under this administration and allowed that incredible volume of hard, deadly, more pure drugs come in to our border.

We have begun a billion dollar unprecedented match by a billion dollars in donated time; a national media campaign which is one year underway; and we are working to improve that. We are trying to fund treatment and prevention programs at an unparalleled level, in fact have dramatically increased the Federal funding for treatment programs and again put in place hopefully a balanced approach to the problem of illegal narcotics.

It is my hope, Mr. Speaker, that we can work, as we conclude the 13 appropriation bills, in funding a real effort against illegal narcotics, a real war against illegal drugs as a multifaceted project in the Congress because we have 13 appropriation bills and many of them deal with pieces of this puzzle. Putting it back together, in fact, is important. We have stalled in getting the money to Colombia and that is a horrible mistake and shame on both sides of the aisle. Shame on this administration and this President for not getting that package here in a timely fashion and acting on it. We know that heroin is coming from Colombia and Mexico and we must stop illegal narcotics at their source.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–636) on the resolution (H. Res. 510) providing for consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment

(normal trade relations treatment) to the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3916, TELEPHONE EXCISE TAX REPEAL ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–637) on the resolution (H. Res. 511) providing for consideration of the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other telecommunications services, 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. CAPUANO (at the request of Mr. GEPHARDT) for today on account of attending Congressman WEINER's brother's funeral.

Mr. LARSON (at the request of Mr. GEPHARDT) for today on account of attending Congressman WEINER's brother's funeral.

Mr. PEASE (at the request of Mr. ARMEY) for after 11:00 a.m. today until 4:00 p.m. May 24 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Ms. VELAZQUEZ, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. GREENWOOD) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. DAVIS of Virginia, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BUYER, for 5 minutes, May 24.

Mr. LAZIO, for 5 minutes, May 24.

Mr. REGULA, for 5 minutes, May 24.

Mr. ROHRABACHER, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 154. An act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

H.R. 834. An act to extent the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles.

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

S.J. Res. 44. An act supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Forces during World War II.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On May 22, 2000:

H.R. 3707. To authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute of Taiwan.

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.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock a.m.), the House adjourned until tomorrow, Wednesday, May 24, 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:

7775. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Participations (RIN: 3052–AB87) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7776. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106—246); to the Committee on Appropriations and ordered to be printed.

7777. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation, ''to Reimburse Military Recruiters, Senior ROTC Cadre, and Military Entrance Processing Personnel For Certain Parking Expenses''; to the Committee on Armed Services.

7778. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General Lloyd W. Newton, United States Air Force; to the Committee on Armed Services.

7779. A letter from the Executive Director, Emergency Oil & Gas Guaranteed Loan Board, transmitting the Board's final rule—Emergency Oil and Gas Guaranteed Loan Program; Conforming Changes (RIN: 3003–ZA00) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7780. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule—Nevada State Plan; Final Approval Determination [Docket No. T–033] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7781. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Technical Amendments [Docket No. 00N–1217] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7782. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Energy Compensation Sources for Well Logging and Other Regulatory Clarifications (RIN: 3150–AG14) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7783. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period February 1–March 31, 2000, pursuant to 22 U.S.C. 2373(c); (H. Doc. No. 106—247); to the Committee on International Relations and ordered to be printed.

7784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 010–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 011–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 002–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7787. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 009–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7788. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to French Guiana or Sea Launch [Transmittal No. DTC 025–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7789. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 005–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7790. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Egypt [Transmittal No. DTC 004–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 006–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7792. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 007–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7793. A letter from the Comptroller of the Currency, transmitting the 1999 Performance Report; to the Committee on Government Reform.

7794. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendments to the Freedom of Information Act Regulation [No. 2000–19] (RIN: 3069–AB02) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7795. A letter from the Director, Office of Government Ethics, transmitting the Annual Program Performance Report for FY 1999; to the Committee on Government Reform.

7796. A letter from the Secretary, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification: Reporting and Waiting Period Requirements [Billing Code: 6750–01P] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, C, D, and D1, and AS–355E, F, F1, F2 and N Helicopters [Docket No. 98–SW–82–AD; Amendment 39–11681; AD 86–15–10 R2] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Series Airplanes Equipped With Rolls-Royce 532–7 ''Dart 7'' (RDa-7) Series Engines [Docket No. 2000–NM–95–AD; Amendment 39–11684; AD 2000–07–28] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Equipped With Certain Honeywell Air Data Inertial Reference Units [Docket No. 2000–NM–83–AD; Amendment 39–11683; AD 2000–07–27] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29997; Amdt. No. 1988] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29996; Amdt. No. 1987] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29995; Amdt. No. 1986] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7803. A letter from the the Legislative Special Assistant, the Veterans of Foreign Wars of the U.S., transmitting proceedings of the 99th National Convention of the Veterans of Foreign Wars of the United States, held in San Antonio, Texas, August 29–September 4, 1998, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 106—245); to the Committee on Veterans' Affairs and ordered to be printed.

7804. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Suggestion Program on Methods to Improve Medicare Efficiency [HCFA–4000–FC] (RIN: 0938–AJ30) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7805. A letter from the Deputy Executive Secretary, Office of the Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Health Care Fraud and Abuse Data Collection Program: Reporting of Final Adverse Actions—received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7806. A letter from the Secretary and Executive Director, Pension Benefit Guaranty Corporation, transmitting the 25th Annual Report of the Corporation, which includes the Corporation's financial statements as of September 30, 1999, pursuant to 29 U.S.C. 1308; jointly to the Committees on Education and the Workforce, Ways and Means, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 297. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; with amendments (Rept. 106–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2498. A bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators and Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices; with an amendment (Rept. 106–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 4516. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 510. Resolution providing for further consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China (Rept. 106–636). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 511. Resolution providing for consideration of the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services (Rept. 106–637). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2764. A bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes; with an amendment (Rept. 106–638). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ (for himself, Ms. VELAZQUEZ, Mr. RODRIGUEZ, and Mr. HINOJOSA):

H.R. 4515. A bill to amend the Internal Revenue Code of 1986 to reduce the interest rate on installment payments of the estate tax on closely held business interests; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina:

H.R. 4516. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; House Calendar No. 350. House Report No. 106–635.

By Mr. SUNUNU (for himself and Mr. BASS):

H.R. 4517. A bill to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building''; to the Committee on Government Reform.

By Mr. DOOLEY of California (for himself and Mr. SMITH of Washington):

H.R. 4518. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FRANKS of New Jersey:

H.R. 4519. A bill to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the

control of the General Services Administration; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. KILDEE, and Ms. WOOLSEY):

H.R. 4520. A bill to amend the Richard B. Russell National School Lunch Act to improve program integrity of the child and adult care food program; to the Committee on Education and the Workforce.

By Mr. HILL of Montana (for himself, Mr. KASICH, Mr. YOUNG of Alaska, Mr. HANSEN, Mr. SOUDER, Mr. CANNON, Mrs. CUBIN, Mr. TAUZIN, Mr. GILCHREST, Mr. COOKSEY, Ms. DUNN, Mr. PITTS, Mr. THUNE, Mr. WATKINS, Mr. COOK, Mr. JONES of North Carolina, Mr. MANZULLO, Mr. DOOLITTLE, Mr. NETHERCUTT, Mr. RILEY, Mr. PORTMAN, Mr. POMEROY, Mr. HUTCHINSON, Mr. LUCAS of Kentucky, Mr. BLUNT, Mr. GIBBONS, Ms. GRANGER, Mr. SESSIONS, Mr. ABERCROMBIE, Mr. POMBO, Mr. SUNUNU, Mr. HASTINGS of Washington, Mr. SHIMKUS, and Mr. SIMPSON):

H.R. 4521. A bill to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota:

H.R. 4522. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. SMITH of Michigan:

H.R. 4523. A bill to amend the Agricultural Market Transition Act to permit a producer to lock in a loan deficiency payment rate for a portion of a crop; to the Committee on Agriculture.

By Mr. SMITH of Michigan:

H.R. 4524. A bill to amend the Agricultural Market Transition Act to increase the number of farmers eligible for nonrecourse marketing assistance loans or loan deficiency payments and the amount of production for which such loans and payments are available; to the Committee on Agriculture.

By Mr. STARK:

H.R. 4525. A bill to amend the Public Health Service Act to establish a program under which the Secretary of Health and Human Services makes cash awards to private entities that discover drugs that cure or prevent diseases whose cure or prevention is designated by the Secretary as a national priority; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 4526. A bill to provide for the issuance of a semipostal for the American Battle Monuments Commission; to the Committee on Government Reform.

By Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado):

H.R. 4527. A bill to authorize the President to present 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 and Financial Services.

By Mrs. CUBIN:

H. Con. Res. 333. Concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. FATTAH:

H. Res. 509. A resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mrs. TAUSCHER.

H.R. 347: Mrs. CHENOWETH-HAGE.

H.R. 363: Mr. PAUL.

H.R. 460: Mr. SANDLIN, Mr. BLAGOJEVICH, and Mr. PACKARD.

H.R. 827: Mr. ALLEN.

H.R. 828: Mr. GILCHREST.

H.R. 860: Mr. VISCLOSKY.

H.R. 904: Mr. KENNEDY of Rhode Island.

H.R. 920: Mr. STARK, Mr. EVANS, and Ms. WOOLSEY.

H.R. 1020: Mr. EHRLICK, Mrs. MEEK of Florida, Mr. KENNEDY of Rhode Island, and Mr. BRADY of Pennsylvania.

H.R. 1046: Mr. HINCHEY, Mr. BALDACCI, Mr. LEWIS of Kentucky, and Mr. MORAN of Kansas.

H.R. 1057: Mr. EVANS.

H.R. 1063: Mr. DELAHUNT.

H.R. 1102: Mrs. MCCARTHY of New York.

H.R. 1179: Mrs. CHENOWETH-HAGE.

H.R. 1228: Mr. CLAY.

H.R. 1247: Mr. WATTS of Oklahoma.

H.R. 1322: Ms. JACKSON-LEE of Texas, Mr. BRADY of Texas, Mrs. CHENOWETH-HAGE, Mr. HANSEN, Mr. MORAN of Kansas, Mr. WATKINS, Mr. REYNOLDS, Mr. DIAZ-BALART, Mrs. BIGGERT, Mr. EWING, Mr. ETHERIDGE, Mr. BARRETT of Wisconsin, Mr. ANDREWS, Mr. RADANOVICH, and Mr. DOOLITTLE.

H.R. 1505: Mr. BISHOP.

H.R. 1560: Mr. MCINNIS and Mr. EHLERS.

H.R. 1592: Mr. LARGENT.

H.R. 1621: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP, and Mr. RODRIGUEZ.

H.R. 2613: Mr. GREEN of Wisconsin, Mr. GONZALEZ, Mr. HUTCHINSON, and Mr. BAIRD.

H.R. 2660: Ms. BERKLEY.

H.R. 2720: Ms. PRYCE of Ohio, Mr. MANZULLO, and Ms. MCKINNEY.

H.R. 2774: Mr. OLVER and Mrs. MINK of Hawaii.

H.R. 2814: Mr. LIPINSKI.

H.R. 2892: Mr. EHRLICH.

H.R. 2953: Mr. WATKINS and Mr. CLEMENT.

H.R. 3006: Mr. EVANS.

H.R. 3055: Mr. BALDACCI.

H.R. 3083: Mr. FORBES.

H.R. 3132: Mr. WEYGAND.

H.R. 3144: Mr. LIPINSKI.

H.R. 3192: Mr. KUCINICH, Mr. JEFFERSON, Mr. SAWYER, Mr. ANDREWS, Mr. SABO, Mr. DIXON, Ms. DELAURO, Mr. GEORGE MILLER of California, and Mr. WEYGAND.

H.R. 3198: Mr. BISHOP and Mr. COLLINS.

H.R. 3256: Mr. UPTON.

H.R. 3315: Mr. LANTOS.

H.R. 3463: Mr. MENENDEZ.

H.R. 3518: Mr. KOLBE.

H.R. 3544: Mrs. ROUKEMA, Mr. COOKSEY, Ms. MCCARTHY of Missouri, and Ms. GRANGER.

H.R. 3569: Ms. DEGETTE.

H.R. 3575: Mr. STENHOLM.

H.R. 3578: Mr. ROGAN.

H.R. 3593: Mr. HOUGHTON.

H.R. 3625: Mr. JEFFERSON, Mrs. MYRICK, and Mr. KOLBE.

H.R. 3628: Ms. RIVERS and Mr. MCHUGH.

H.R. 3634: Mr. BAIRD.

H.R. 3677: Mr. HYDE.

H.R. 3688: Ms. SLAUGHTER, Mr. DAVIS of Virginia, Mr. KENNEDY of Rhode Island, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. LANTOS, Mr. ROTHMAN, and Mr. TIERNEY.

H.R. 3710: Ms. DANNER, Mr. CRAMER, Mr. DICKS, Mr. FORD, Mr. ENGEL, and Mr. BAIRD.

H.R. 3915: Mr. CAMPBELL and Mr. GILCHREST.

H.R. 3981: Mr. LANTOS.

H.R. 4013: Mr. GANSKE.

H.R. 4034: Mr. NORWOOD.

H.R. 4041: Mr. BALDACCI, Mr. BONIOR, Mr. LIPINSKI, Mr. OLVER, Mr. RANGEL, Ms. SCHAKOWSKY, Mrs. TAUSCHER, and Mr. EVANS.

H.R. 4042: Mr. BONIOR, Mr. LIPINSKI, Mr. OLVER, Mr. RANGEL, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Ms. HOOLEY of Oregon, Mr. SHERMAN, and Ms. PELOSI.

H.R. 4132: Mr. PALLONE, Mr. ABERCROMBIE, and Mr. WICKER.

H.R. 4168: Mr. BARCIA, Mr. SISISKY, and Mr. LUCAS of Kentucky.

H.R. 4204: Mr. GARY MILLER of California.

H.R. 4206: Ms. LEE, Mr. ROMERO-BARCELO, and Mrs. JONES of Ohio.

H.R. 4214: Mr. SHIMKUS and Mr. GILCHREST.

H.R. 4219: Mr. ADERHOLT, Mr. MANZULLO, Mr. LARSON, Mr. FOLEY, Mr. TIERNEY, Mr. NETHERCUTT, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Mr. BORSKI, Mrs. KELLY, Mrs. THURMAN, and Mr. MALONEY of Connecticut.

H.R. 4245: Mr. SHIMKUS.

H.R. 4257: Mr. NORWOOD, Mr. DICKEY, Mr. SOUDER, Mr. GREEN of Texas, and Mr. SCHAFFER.

H.R. 4259: Mr. TERRY, Mr. LARSON, Mr. CONDIT, Mr. OBERSTAR, Mr. TOWNS, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, and Mr. MORAN of Kansas.

H.R. 4274; Mr. BONILLA, MR. GREENWOOD, Mr. KUYKENDALL, Mr. GILCHREST, Mr. GOODE, Mr. BURTON of Indiana, Mrs. FOWLER, Mr. QUINN, and Mr. SALMON.

H.R. 4303: Mr. SOUDER.

H.R. 4320: Mr. EVANS.

H.R. 4329: Mr. SMITH of Washington.

H.R. 4357: Mrs. THURMAN and Ms. MILLENDER-MCDONALD.

H.R. 4453: Mr. TIERNEY and Mr. LANTOS.

H.R. 4479: Mr. DEUTSCH and Mr. ROMERO-BARCELO.

H.R. 4489: Mr. RODRIGUEZ, Mr. KNOLLENBERG, and Mr. PETERSON of Minnesota.

H.J. Res. 98: Mr. BECERRA.

H. Con. Res. 133: Mr. HOLT.

H. Con. Res. 275: Mr. SPRATT.

H. Con. Res. 285: Mr. BALDACCI, Mr. WOLF, and Mr. ETHERIDGE.

H. Con. Res. 305: Mr. PETERSON of Pennsylvania, Mrs. TAUSCHER, Mr. BOEHNER, Mr. SKEEN, Mr. YOUNG of Alaska, Mr. LAHOOD, Mr. RYUN of Kansas, Mr. CANADY of Florida, Mr. BILIRAKIS, Mr. DEAL of Georgia, Mr. CUNNINGHAM, Mr. EHLERS, Mr. PACKARD, Mr. NUSSLE, Mr. WICKER, Mr. CALLAHAN, Mr. CALVERT, Mr. EVERETT, Mr. ROHRABACHER, Mr. WATTS of Oklahoma, Mr. SPENCE, Mr. HULSHOF, Mr. RILEY, Mr. STUMP, Mr. METCALF, Mr. CRANE, and Mr. BURR of North Carolina.

H. Con. Res. 306: Mr. PALLONE, Mr. HOLT, Mr. MENENDEZ, Mr. HINOJOSA, Ms. BERKLEY, Mr. NEAL of Massachusetts, Mr. SHOWS, Mr. BROWN of Ohio, Mr. BACHUS, Mr. GREEN of Texas, Mr. INSLEE, Mr. KUCINICH, Mr. CAPUANO, Mr. CUMMINGS, Ms. BROWN of Florida, Mr. TIERNEY, Mr. DEFAZIO, Mrs. CHRISTENSEN, Mr. STARK, Mr. SHAYS, Mr. EVANS, Mr. CLAY, Mr. LIPINSKI, Mr. HASTINGS of Florida, Mr. OLVER, Mr. EHRLICH, Mrs. TAUSCHER, Mrs. BIGGERT, Mr. RODRIGUEZ, Mr. NETHERCUTT, Ms. JACKSON-LEE of Texas, Mr. COSTELLO, Mr. DIXON, Mr. LAFALCE, Mr. MANZULLO, Mr. FRANK of Massachusetts, Mr. SNYDER, Mr. DICKS, Mr. ANDREWS, Mr. FILNER, Mrs. MINK of Hawaii, Mr. KIND, MR. PORTER, Mr. UDALL of Colorado, Mr. DIAZ-BALART, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, and Mrs. MCCARTHY of New York.

H. Con. Res. 307: Ms. STABENOW, Mr. FROST, Mrs. MORELLA, Mr. PASCRELL, Mr. FRANKS of New Jersey, Mr. STARK, Mr. ENGEL, Mr. MCGOVERN, Mr. TIAHRT, Mr. MCNULTY, Mr. SHAW, and Mr. FILNER.

H. Con. Res. 311: Mrs. NORTHUP.

H. Con. Res. 321: Mr. REYES, Mr. CRAMER, Mr. BACHUS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. ORTIZ, Mr. BLUMENAUER, Mr. SANDLIN, Mr. KENNEDY of Rhode Island, Mr. PRICE of North Carolina, and Mr. NETHERCUTT.

H. Con. Res. 322: Mr. COBLE and Mr. LANTOS.

H. Con. Res. 323: Mr. KILDEE, Mrs. MORELLA, Mr. STARK, Mr. CUMMINGS, Mr. COOK, Mr. MCGOVERN, Mr. MCNULTY, and Mr. LANTOS.

H. Res. 187: Ms. WOOLSEY.

H. Res. 347: Mr. BRADY of Pennsylvania.

H. Res. 458: Mr. MCNULTY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: At the end of title VII of the bill, add the following new section:

SEC. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

''(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

''(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

''(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

''(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.''.

H.R. 4461

OFFERED BY: MR. CAPUANO

AMENDMENT NO. 13: Page 95, after line 19, insert the following:

SEC. 809. REPORTS.

Not later than 1 year after the date on which the President terminates an existing unilateral agricultural sanction or medical sanction pursuant to section 803(b), and not later than 1 year after the date on which a new unilateral agricultural sanction or medical sanction is terminated pursuant to section 806, the President shall prepare and transmit to Congress a report that contains a description of any occurrence of food or medicine that has been prevented from reaching intended populations by the foreign country or foreign entity involved, any occurrence of stockpiling of food or medicine by the country or entity involved, and any effort by the country or entity involved to foster distribution of food and medicine to the population.

Page 95, line 20, redesignate section 809 as section 810.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 14: Page 21, after line 4, insert the following new paragraph:

For an additional amount to prevent, control, and eradicate pests and plant and animal diseases, $53,100,000, to remain available until expended: *Provided*, That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 15: Page 85 after line 15, insert the following new section:

SEC. ___. The Secretary of Agriculture shall use not more than $80,000,000 of the funds of the Commodity Credit Corporation for equity capital and grants to establish farmer-owned cooperatives composed of small- and medium-sized producers and other cooperatives that create opportunities in rural America, for feasibility studies, business development strategies, restructuring small- and medium-sized enterprises, and the processing and marketing of agricultural commodities (including livestock), which amount shall remain available for such purpose until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. The total amount of equity capital and grants provided to a single entity under this section shall not exceed $10,000,000.

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

Vol. 146 WASHINGTON, TUESDAY, MAY 23, 2000 *No. 65*

Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, as we begin this day of work here in the Senate our minds are focused on the people of New Mexico who have suffered the loss of their homes and personal property in the tragedy of the forest fires in both the northern and southern parts of the State. Especially, our hearts go out in profound sympathy for fire fighter Samuel James Tobias who lost his life while flying a spotter plane over the forest fires. Comfort his family and continue to give courage to his fellow fire fighters.

Father, we are profoundly grateful for the heroic service of fire fighters, police and emergency personnel who face danger and possible loss of life to preserve our forests, natural resources, homes, and our very lives.

Now, as we turn to the responsibilities of this day we ask You to fill the wells of our souls with Your strength and our intellects with fresh inspiration. Here are our minds, enlighten them; here are our wills, quicken them; here are our bodies, infuse them with energy. For You, Dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business, with Senators GRAMS and DURBIN in control of the time until 11:30 a.m. Momentarily, I intend to propound a unanimous consent request that provides for debate on two FEC nominations, beginning at 11:30 a.m., and consuming the remainder of the day. There will also be debate time on several judicial nominations, with any votes ordered during today's session to occur on Wednesday.

For the information of all Senators, it is my intention to begin consideration of the legislative branch appropriations bill, as well as the Agriculture appropriations bill, later this week. It is hoped that the Senate can complete action on both of these very important spending bills prior to the Memorial Day recess.

Now, again, for the information of Senators, we will have this debate on the nominations throughout the day. Beginning tomorrow, in the morning, I presume, right after the opening activities, we will go to the legislative branch appropriations bill. We hope to be able to finish that in a reasonable period of time. But regardless of that, sometime in midafternoon—I presume, 3:30, 4:00, 4:30; we will have to look at the time and work out that exact time—we will begin a series of votes that will probably mean votes on either four or five or six—I hope it is five or four and not the full six, but we could still have as many as six votes in a row Wednesday afternoon. Then we hope to turn to the Agriculture appropriations bill.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. In executive session, I ask unanimous consent that at 11:30 a.m., Tuesday, May 23, the Senate proceed to executive session to consider Executive Calendar No. 436, the nomination of Bradley Smith to be a member of the FEC. I further ask consent that debate be limited on the nomination as follows: Senator MCCONNELL, 2 hours; Senator DODD, or his designee, 2 hours; Senator WELLSTONE, 2 hours; Senator MCCAIN, 2 hours; Senator FEINGOLD, 2 hours.

I further ask consent that following the use or yielding back of time, the nomination be laid aside, with a vote to occur on the confirmation of the nomination during Wednesday's session of the Senate at a time to be determined by the two leaders, with 20 minutes for closing remarks, equally divided, just prior to the vote. If we need a few more minutes than that, we will work with the interested parties to see if that can be achieved.

I also ask consent that immediately following that vote, the Senate proceed

to a confirmation vote on the nomination of Danny McDonald, Calendar No. 435.

I further ask consent that also on Tuesday, May 23, the Senate then proceed to the nomination of Timothy Dyk to be a U.S. circuit judge, Calendar No. 291, and the debate be limited to the following: Senator SESSIONS, 30 minutes; Senator HATCH, 15 minutes; and Senator LEAHY, 15 minutes.

I further ask consent that on Tuesday, the Senate proceed to Calendar No. 498, the nomination of Gerard Lynch, and there be 40 minutes of debate, equally divided, between the opponents and proponents. I also ask consent that all debate time on the nominations be consumed or considered yielded back during Tuesday's session of the Senate.

I further ask consent that the vote occur on or in relation to the Dyk nomination third in the voting sequence on Wednesday, to be followed by votes on Executive Calendar No. 498, No. 519, and No. 520.

I ask unanimous consent that immediately following those votes, the Senate immediately proceed to the consideration of the following nominations on the Executive Calendar:

Nos. 206, 334, 424, 433, 434, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 452, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 472, 476, 477, 478, 479, 480, 481, 482, 483, 496, 497, 499, 500, 501, 502, 503, 504, 505, 506, 518, 521, 522, 523, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LOTT. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I amend the unanimous consent request which stated there would be 20 minutes for closing remarks, equally divided, just prior to the vote. I amend that to say, 20 minutes for closing remarks, equally divided, plus an additional 10 minutes for Senator MCCAIN and 10 minutes for Senator FEINGOLD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DASCHLE. Reserving the right to object, let me just say that there are 19 nominations still pending on the calendar if we are able to adopt this unanimous consent request today. Some of those nominations have been on the calendar for well over a year. I think it is the view of virtually every member of the caucus on our side that to hold nominations that long is cruel. It is wrong. It should not be tolerated. We are in a position to clear all nominations, including those 19.

I ask whether the majority leader might be able to clear those as well?

Mr. LOTT. Mr. President, I will respond. I know that at least one appointment is waiting on a companion appointment from the administration, where you have a Democratic nominee for a commission or a board, and we usually try to move them together. That is one case. Then we have seven IRS members who can be cleared if—I understand there is opposition to at least one of those from the Democratic side.

But my goal in working to get this large package done is so we can continue to work to get companion nominations and move more nominations. I discussed this with Senator DASCHLE yesterday. It is not easy, but we hope to continue to work together to get the nominations in a position where they can be cleared, or where we have debate time and a vote and arrange for that to occur. We will keep working on it. It has been reduced by some 70 or more nominations if this entire package is completed, and if all of them—well, it will either be voted on and approved or defeated, leaving only 19. So that is a major step toward getting nominations confirmed.

Mr. DASCHLE. Reserving the right to object, and I will not, obviously, I hope the majority leader will work with us to work through these 19 names. As I say, some of them have put their lives on hold now for over a year. It is just intolerable to them, and it should be intolerable to us that we would accept that kind of a practice. I will work with the majority leader and, hopefully, resolve these outstanding problems. I will not object to this request.

Mr. FEINGOLD. Mr. President, reserving the right to object, I simply thank both the leaders for their patience in working out this very difficult agreement. I appreciate the majority leader extending us time prior to the vote to summarize our arguments.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, are we now in morning business?

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

ORDER OF PROCEDURE

Mr. GREGG. Mr. PRESIDENT, I ask unanimous consent that I be allowed to speak for 5 minutes without having that time come off of the time allocated to the Senator from Minnesota, who, I understand, has time reserved during this period of morning business.

The ACTING PRESIDENT pro tempore. The Senator has time until 10 o'clock. The Senator from Minnesota has time until 10 o'clock.

Mr. GREGG. I ask unanimous consent that I be allowed to speak for 5 minutes and that his time be extended to reflect the time that I will take.

The ACTING PRESIDENT pro tempore. There are sequential times after that. The Senator from Wyoming has until 10:30, and the Senator from Illinois has until 11:30.

Mr. GREGG. I ask unanimous consent that my 5 minutes come off of the time of the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIERRA LEONE

Mr. GREGG. Mr. President, I wanted to speak about Sierra Leone and especially about the attempts I have made to address this issue as chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary.

The New York Times and a number of other daily papers have reported that I have limited the ability of the State Department to spend money on behalf of the United Nations, or send money to the U.N. for the purpose of peacekeeping in Sierra Leone, and that is correct. However, the numbers that the New York Times, at least, used were incorrect.

I think the record needs to be corrected. I presume this story came from a momentum within the U.N. to try to put pressure on the Congress to spend money on U.N. initiatives. Obviously, the U.N. feels that by using our media sources in this country, they can influence the activity of the Congress, specifically of the Senate. However, I would have hoped that the New York Times reporter would have reviewed the actual facts and determined the facts before reporting them as facts. Obviously, this reporter got his information from somebody, I presume, at the U.N., or maybe the State Department, and did not bother to check the facts.

It was represented in the story, for example, that the amount of money that was owed to the U.N. in the area of peacekeeping was somewhere in the vicinity of $1.7 billion. This number is inaccurate and the story was, therefore, inaccurate.

Let me review the numbers specifically. In accounting for the amount of money that the U.N. is owed, there is a regular budget assessment of approximately $300 million. This is included in the $1.7 billion, which I presume they got from the U.N., or they could not have gotten to that number. However, that $300 million is not owed. We paid that money on a 9-month delay. We have always paid it on a 9-month delay because of the budgeting process of the Federal Government. So you can reduce that number by the $300 million figure because that money will be paid on October 1, as it always is.

Second, the Times must have been counting as a U.N. assessment the peacekeeping moneys of $500 million. Well, the $500 million is the amount we have allocated for peacekeeping in our budgets for the benefit of the U.N. But that $500 million has not yet been called upon by the U.N. In fact, of that $500 million, we have received requests for approximately $300 million. We have not received requests for the full $500 million. We have received requests for about $300 million. We have paid—of that $300 million requested—approximately $55 million. The balance is in issue, but it is being worked out. So that number is inaccurate, and you can reduce that $1.7 billion by at least $200 million that we have not received a request for, and the $55 million we have paid and, in my opinion, by significant other numbers also.

Third, the Times must have been counting the $926 million which is an arrearage payment. The arrearage issue was settled last year. It had been delayed for 3 years because of the Mexico City language, which did not need to be delayed. But the administration put such a hard line on obscure language dealing with Mexico City Planned Parenthood that they ended up tying up the arrears that we as the Senate were willing to pay. We appropriated that money every year, by the way. There was an agreement reached between ourselves and the State Department and the White House, known as the Helms-Biden agreement, which said we would pay that money. So that money is in the pipeline to be paid, subject to the U.N. meeting certain conditions. That is not in issue.

So when you take all the numbers, there is no $1.7 billion at issue. Actually, it is closer to $100 million than $1.7 billion. So the exaggeration in the story was inaccurate. It reflects, I think, shoddy journalism.

Secondly, the story implied that my position was basically an isolationist position and that I am opposing peacekeeping everywhere in the world.

No, I am not. In fact, we have approved peacekeeping in my committee in a number of areas. We have approved peacekeeping in the Golan Heights for $4 million, Lebanon for $15 million, Cyprus for $3 million, Georgia for over $3 million, in Tajikistan for $2 million, and the Yugoslavia and Rwanda War Crime Tribunal for $22 million. The list goes on and on.

So we have approved a significant amount of peacekeeping dollars for a variety of different missions that have been undertaken by the U.N. However, the problem I have is that in Sierra Leone, what we ended up doing was endorsing a policy that brought into power parties who had committed rape, murder, and atrocities against the people of Sierra Leone. And instead of having these people brought to justice under the War Crimes Tribunal, as they should have been, what we have done is endorsed these people in the Lome Accord and said they should be brought into the Government. That policy makes no sense.

We are seeing a deterioration of that policy by what is happening to the peacekeepers in Sierra Leone today. Instead of taking weapons from the rebels who are basically killing people arbitrarily and, as part of the policy, hacking limbs off of people—instead of taking their weapons, the U.N. has given up more weapons than it has taken in Sierra Leone.

Right now, we still have actually hundreds of U.N. peacekeepers who have been taken hostage over there. Why? Because the policy being pursued in Sierra Leone was misdirected from the start. We should not have been making peace. We should not have been bringing into the Government people who acted in such a barbaric way toward their own people. We should have been taking a harder line. We should have been sending in U.N. peacekeepers—in Sierra Leone honoraria we may not want to—people who had the capacity and the equipment to defend themselves, and had the portfolio and the directions so they could defend themselves and use force.

Unfortunately, we didn't send those types of troops in there—or the U.N. didn't. America is complicit in this. American taxpayers have to ask themselves, why are we spending this money? Why would we want to spend money to support, encourage, and endorse people who are essentially criminals and moving those criminals into the Government of Sierra Leone and giving them the authority to act? Well, that was my reason for putting a hold, as we call it, on this. It was actually a denial of the funds for Sierra Leone.

It appears, having said that, I guess, that suddenly people have awakened and are saying, hey, maybe that is right. In fact, as of yesterday, the State Department changed its position as to the rebel leader over there. Instead of him being a conciliatory, positive force for the basis on which they might base the peace accord over there, this person—or people—should be brought before an international tribunal when they have committed crimes against humanity, which this individual clearly has. Maybe there is a shift of attitude occurring within the State Department. I hope there is because that would move us down the road towards resolving this issue. But the representation that the committee I chair, and in which the ranking member, Senator HOLLINGS, participates in very aggressively, has in some way opposed peacekeeping is inaccurate. The numbers used in the article are inaccurate. The fact is, we have raised legitimate concerns to protect the taxpayers of this country, which is our job. I believe we are doing it effectively.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, time until 10:05 a.m. is under the control of the Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President. I understand Senator THOMAS is to control the time from 10 a.m. until 10:30 a.m. He will not be to the floor right away. I ask unanimous consent to have 15 minutes of additional time from Senator THOMAS' time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SECURITY REFORM

Mr. GRAMS. Thank you very much. Mr. President, I have a lot to go through in a very short period of time. But I wanted to come to the floor this morning to make a few remarks on a vitally important issue facing our Nation, which is how we are going to strengthen and save Social Security.

But, first, I would like to commend George W. Bush for bringing Social Security reform to the forefront by proposing to allow workers to invest a portion of their Social Security payroll taxes in personal retirement accounts. I believe this is the best solution to the fast approaching insolvency of Social Security.

Governor Bush's vision of courage and leadership is greatly appreciated by all of us who are concerned about saving this Nation's retirement programs, including the Senator from Pennsylvania, who is in the chair this morning, who has also worked very hard and tirelessly to find a way to save Social Security in the future.

In contrast to the efforts by Governor Bush to explore solutions to fix our retirement system, his opponent, Vice President AL GORE, offers no workable plan and only politicizes the issue. He accuses Governor Bush of being too willing to take risks with the nation's retirement program. He also believes that younger workers should not be allowed to invest some of their payroll taxes because they would not be capable of managing their own investments.

Besides the usual scare tactics, Vice President GORE has taken the same approach as President Clinton in dealing with Social Security problems—basically, they refuse to make hard choices and use double counting and other budget gimmicks to mask the threat to Social Security.

Under current law, Social Security will begin running a deficit by 2015.

The Clinton/Gore proposal would not extend this date by a single year.

They simply put more IOUs in the Social Security trust fund which will significantly increase the national debt, and then claim they have saved Social Security.

But their numbers simply do not add up. Between 2015 and 2036, the government will have to come up with $11.3 trillion from general revenues to make up the annual shortfall in the Social Security system. This is nearly three times the amount the government will save from paying down the publicly held debt during that period.

Worse still, the Clinton/Gore plan does not trust the American people to manage their own money, and they instead propose government investment of Americans' Social Security surplus—this despite Vice President GORE's recent denial that their plan called for the government to invest payroll taxes in the stock market. ''We didn't really propose it. We talked about the idea,'' he said.

Vice President GORE obviously has a short memory. He forgot their government investment proposal was included in their budgets for FY 1999, FY 2000 and FY 2001.

I remember that when the Clinton administration first proposed the government investment scheme, I asked Federal Reserve Chairman Alan Greenspan whether we should allow the government to invest the Social Security Trust Funds in the markets, and whether or not this was the right approach. Here are his exact words:

No, I think it's very dangerous . . . I don't know of any way that you can essentially insulate government decision-makers from having access to what will amount to very large investments in American private industry. . . .

I am fearful that we are taking on a position here, at least in conjecture, that has very far-reaching, potential danger for a free American economy and a free American society. It is a wholly different phenomenon of having private investment in the market, where individuals own the stock and vote the claims on management (from) having government (doing so).

I know there are those who believe it can be insulated from the political process, they go a long way to try to do that. I have been around long enough to realize that that is just not credible and not possible. Somewhere along the line, that breach will be broken.

Mr. President, Chairman Greenspan was among the first to raise the issue of Social Security's unfunded liabilities and warned Congress a few years ago about the consequences if we fail to fix Social Security.

Mr. President, we should never venture out onto what Chairman Greenspan calls ''a slippery slope of extraordinary magnitude.'' We must move from a pay-as-you-go system to a fully funded retirement system, which he supports. This is the only way to save Social Security.

The recently released annual report of the Social Security Trust Fund's Board of Trustees shows it is even more urgent for us to find a solution to Social Security's approaching insolvency. The report shows some short-term improvement but continued long-term deterioration. The inflation-adjusted cumulative deficit between 2015 and 2075 is not projected to be $21.6 trillion, up nearly 7 percent from last year's projection. If the economy takes a turn for the worse, or if the demographic assumptions are too optimistic, the Trust Fund could go bankrupt much sooner.

Clearly, Vice President GORE is just plain wrong about Social Security, about government investment, and the ability of working Americans to manage their own money. His use of scare tactics dodges the real issue: that we must solve the insolvency problem. Americans' retirement should be above politics, and we should have an honest debate on the best way to avoid the fast approaching Social Security crisis, and to ensure retirement security for all Americans.

Mr. President, to achieve this goal, we must understand how we got here, what problems we are facing and what options we have to save our retirement system. Now, Mr. President, let us take a look back in time to see what we can learn and also what I believe is the best plan to achieve retirement security.

Clearly, Vice President AL GORE is just plain wrong about Social Security, and I am glad that he and Governor Bush have framed the debate in what we are going to be talking about as far as Social Security over the next 5 months of a very important campaign and into the 107th Congress.

I have been doing a series of town meetings in Minnesota, trying to outline the problems that we find with Social Security. Social Security has done the job we have asked it to do over the last 65 years; that is, to provide minimum retirement benefits to millions of Americans. But a public Social Security system was even questioned by Franklin Roosevelt back in 1935. He thought at one time during part of the debate that we should have included a private retirement account as part of the options. He even said when the Social Security program was created that he wanted the feature of a private sector component to build retirement income. It was not included. In fact, it was taken out in conference after being approved here on this Senate floor with the promise that a private investment concept would be brought back the next year to be debated as part of the Social Security program. That never happened. It was one of the first big lies dealing with Social Security.

Why are we having problems today? Social Security is now a system being stretched to its limits. Seventy-eight million baby boomers will begin retiring in the year 2008. Social Security spending will exceed tax revenues by the year 2015. In other words, the surpluses we hear about today will not exist past 2015. In fact, at that time the system will be bringing in less money than the demand will be for those benefits, and the Social Security trust funds would go broke in 2037; that is, if we could turn the IOUs between now and the year 2015 into cash and be able to use them to supplement the system. Without it, the American taxpayer is going to be asked as early as 2015 to begin paying higher taxes to redeem those IOUs which exist today with the pay-as-you-go system.

Why are we in trouble? Why is it being stretched to the limit?

In 1940, there were about 100 workers for every person on retirement. You remember the old Ponzi system, the pyramid scheme, where you had a lot of people at the bottom and you could support a few at the top. That is the way the system was. It worked then because of the pyramid style of 100 workers and 1 retiree. Today there are about three workers for every retiree. By the year 2050, there will be about two workers for every retiree.

So you can see the strain that we are going to put on the system. But what is the system? That system is going to be your children, your grandchildren, and your great-grandchildren. They are going to be put under a tremendous financial strain in order to support an outdated system.

As I mentioned, right now we are in a surplus mode. But by the year 2015, we are going to begin accumulating deficits, and this is going to continue on a very downward pattern over the next 70 years. This is what we are going to accumulate. The Government is coming up short with more than a $20 trillion shortfall between the year 2015 and the year 2070. That means these are the benefits the Government has promised to pay and this is what we are going to come up with, and we will be short of revenues from the current FICA tax or withholding tax in order to pay these benefits.

From where is this $20 trillion-plus going to come? As I said, it will come from paying back the IOUs that have already gone out. It is the American taxpayer who is going to see tax increases of at least twentyfold in order to do this.

My plan, which is a totally funded retirement system, is going to cost—our estimate—at least $13 trillion, and it is going to take a little bit shorter curve in over to attain by the year 2050. We need to solve this problem, and we will be in the black in a system that will pay for itself by the year 2015. But if you look at the current system, in the year 2070, it is $20 trillion in debt, and it is heading downhill at an ever increasing rate.

I am going through these a little fast because we don't have a lot of time this morning. But I will try to get in all of this information.

The biggest risk we have facing Social Security today is doing nothing at all.

Again, this is the way Vice President AL GORE has framed the debate. Let's

do nothing. Let's just put our arms around this. Let's put a Band-Aid over the real problem dealing with Social Security or our retirement future. Let's put a Band-Aid over it and do nothing, despite the fact there is over $20 trillion in unfunded liabilities.

The Social Security trust fund is nothing but IOUs. If this is how the system will remain solvent, I say why not write an IOU to yourself? Make it for $1 million; put it in your checking account. How many banks will allow you to write a check? Not one, until you redeem the IOU.

To pay promised Social Security benefits, the payroll tax paid today, which is one-eighth of everything taxpayers make, will have to be increased by at least 50 percent or benefits will have to be reduced. We are leaving our kids and grandchildren a future of paying more for retirement, getting less, and they are talking of raising the retirement age further. Is that the kind of system we want to leave our children? I don't think so.

Payroll taxes keep rising. Today, in the year 2000, 15.4 percent of your income is deducted in FICA taxes to pay for Social Security and Medicare. By the year 2030, that will be about 23 percent, according to low estimates; it will be about 28 percent according to even higher projections. Somewhere in between there is what we are going to see our children paying in FICA taxes. If they are paying nearly 30 percent in FICA taxes, and thrown on top of that is an average of 28-percent Federal taxes, we are now up to 48 percent. My home State of Minnesota has an 8½ percent State tax, so now we are 57 percent. Add in your sales tax, estate tax, property taxes, and everything, and our children are going to be paying taxes that could be in the range of 65 to 70 percent of their income. Again, is this the future we want to leave our children?

Diminishing returns of Social Security is another problem. Right now, Social Security is paying less than a 2 percent return. If someone retired in 1950 or 1960, they got back all the money paid into Social Security within 18 months. Today's workers are getting back less than 2 percent on their investment. Many of the minority groups in our society are now getting a negative return. In other words, they are supporting Social Security with their dollars because they are receiving less because of life expectancy. For those today under 50 years old, when they retire they will actually receive a zero return or less, a negative return. I don't know how many people will stand in front of a window to invest their money when they are promising to pay you 2 percent and, in the future, less than 0 percent on the investment. I don't think many people want to do that.

I compare this with the market return over the last 75 years. The markets have paid back better than 7 percent real return. This is after inflation adjusted. And this is 75 years, including the crash of 1929, the Great Depression and everything else. The markets have been a better source of revenue than what we can expect from Social Security in the future.

There is no Social Security account with your name on it. I know a lot of people think: I have paid into Social Security all my working life; surely, there has to be an account in Washington in my name.

There is not. There is not an account in your name. There is not one dollar set aside for your retirement. It is a pay-as-you-go system. All one can hope is when retiring there are people working yet so we can take money from their check and give it to you as a benefit in retirement. The money we collected the first of May will go out in benefits at the end of May. It is a pay-as-you-go system. No investments, no cash, no accumulation of wealth, no assets—nothing for your retirement, just the hope there will be workers.

When they talk about solvency and Social Security until 2037, because of the IOUs, the President has actually had to put into his budget certain words so he is legally correct in dealing with the IOUs. The statement begins ''These [trust fund]''—and the Senator from South Carolina, Mr. HOLLINGS, says there is no ''trust'' and there is no ''funds'' in trust funds.

> These [trust fund] balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. They are claims on the Treasury, that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

In their own budget, they had to very clearly spell out that the IOUs we are talking about in the Social Security trust fund are nothing but paper.

The Social Security lockbox is very important. The moneys we are taking in now, the surplus in Social Security, needs to be locked away. We need to save the Social Security trust fund dollars for Social Security and keep Washington's big spenders from using trust fund dollars for other Government functions. I introduced a Grams Social Security lockbox concept that takes care of this.

The Grams lockbox offers a double lock on Social Security. It triggers an automatic reduction in all Government discretionary spending, including Congressional Members' pay, if any of the Social Security surplus is spent, returning it to the Social Security trust fund. In other words, in Washington, we are always at ''best guess'' estimates. We have an estimate on what our revenues will be, we have a best guess on estimates on what spending will be. My lockbox says we have promised not to take one dime from Social Security. If the estimates are off, even if only off a million dollars, all other spending would be reduced so Social Security would not pay one dime.

Right now, any deficit spending has to come out of the surplus, and that is out of Social Security funds. If we are honest about not taking a dime out of Social Security, we should do that.

My plan, the six principles for saving Social Security, protects current and future beneficiaries. Anyone on Social Security today or planning on retiring and staying with this system—that is your option—we guarantee protection of future benefits. That is a guarantee we have to make. Seniors today and those who want to retire should not be afraid of allowing their children or grandchildren to have options. We guarantee your benefits today. This is an agreement I believe the Government has made with you. Taxpayers have said: I will pay into the system, and I expect a retirement benefit in return. That is the agreement. I think we need to make sure that happens.

Allow freedom of choice—your kids, your grandchildren to have the chance to have a private retirement account.

Preserve the safety nets for disability and survivor benefits as the system today. Make sure that is included.

Make Americans better off, not worse. My plan says you cannot retire with less than 150 percent of poverty. That is your income. Today, nearly 20 percent of Americans retire into poverty because Social Security is so low. The majority of those are women. Social Security is a system that discriminates against women.

Create a fully funded system. And no tax increases in the future.

The Grams plan, the Personal Security and Wealth in Retirement Act I introduced in September last year, and in the 105th Congress, my staff says, is the third rail of politics. Members cannot talk about retirement or Social Security or they will never get reelected. I thought it was so important we had to talk about it I said then it would become an important issue of this Presidential campaign. As I mentioned earlier, Governor Bush and Vice President AL GORE have now framed this debate and it will be an important part of the elections in 2000.

Right now, 12.4 percent of workers' income goes into Social Security, one-eighth of everything they make. My plan says you can take 10 percent of your income and put that into a personal retirement account. That would be managed by Government-approved private investment companies. Safe and sound. We hear the scare tactics; we will invest your money and lose it. Some do better than others. They say you are too dumb to manage your own money. You don't know how to save for your future.

Our plan says we have faith in you. Under Government-approved guidelines as those used in your IRAs and the FDIC account at your banks, provisions are made for safety. These plans are the same. Your retirement would be safe, sound, and secure. The only difference is it would accumulate and grow much faster, and taxpayers receive much better returns than Social Security.

For those who say: I have paid into Social Security for so long, first, if your wage is $30,000, under Social Security today, $3,720 is put into the Social Security account. Under my plan, $3,000 goes into your account. A passbook shows assets of $3,000 plus interest at the end of the first year. The other $720 is part of our financing plan, to make sure there are benefits for those who stay in Social Security. The $720 goes into that system. Hopefully, that would be absolved in 20 years and would then be a tax cut. Ten percent of your salary would go into your account to begin to grow assets for you and your family.

If you make an average of $36,000 a year, after your lifetime of work, $1,280 a month is your maximum benefit from Social Security. Take 10 percent, put it into an average return market account, and your retirement would be $6,514 a month, a much better return for your retirement than the $1,280. These are average returns, nothing spectacular, as we have seen in the markets as of late. Based on an income of $36,000—we have heard of everything from taking just 2 percent of the 12.4, maybe taking 6 percent or about half of the Social Security. My plan would put it all into private accounts, and these are what we could expect as the differences.

After 20 years at 2 percent, you would only have $33,000 in a separate account. Under our plan, you would have, after 20 years, $168,000. But after a lifetime at an average income of $36,000, if you could take 10 percent of your wages and put it into a personal retirement account, you would have, not $171,000 but $855,000 cash money in an account for you and your family for your retirement benefits and part of your estate as well. That is for a single worker.

An average family in the United States right now has an income of about $58,500. If we could take these same scenarios, after a lifetime of work, under 2 percent, you would set aside an additional $278,000 for your retirement—better than Social Security, granted, because this will be a supplement to that. But if you could put 10 percent away, you would have nearly $1.4 million put away for your retirement—$1.4 million put away for your retirement. That is after 40 years at 10 percent, with an average salary of $58,000 a year: $1.4 million on which you can retire.

We look at Galveston County, TX. When Social Security was implemented in 1936, one part of the law said if you were a public worker and had a private retirement account, you did not have to go into Social Security. We have something like 5 million Americans who are public employees today who have their own private retirement accounts and are not in Social Security. Galveston County, TX, was one of those. They just entered in 1980, by the way, because an administrator found a loophole in the law. Of course, that was closed after Galveston County got out.

But this is a comparison between Social Security and what Galveston County pays. They are very conservative, investing only in annuities, not necessarily in the market. This is what they paid:

Social Security death benefit? My father passed away at 61 and received zero from Social Security, except for a $253 death benefit after a lifetime of work, investing in Social Security—$253. In Galveston County: A minimum death benefit of $7,500.

Disability benefits under Social Security—maximum $1,280; for Galveston it is now $2,800 dollars.

In retirement benefits per month: Social Security, $1,280 maximum; in Galveston, $4,790—much better returns.

One lady's husband was 42; she was 44. He passed away suddenly from a heart attack. All she could say was, ''Thank God that some wise men privatized Social Security here. If I had had regular Social Security, I'd be broke.'' She would have been in poverty with her three children. After her husband died, Wendy Colehill was able to use her death benefit check of $126,000 to pay for his funeral and enter college. Under Social Security, she would have received $255. So she got a death benefit of $126,000 plus a survivors benefit to which Social Security never would have come close. She said, ''Thank God for Galveston.''

In San Diego, a 30-year-old employee who earns a salary of $30,000 for 35 years, contributing—in San Diego they only contribute 6 percent, not 12.4—6 percent, so they pay less than half into their retirement system than you do—would receive about $3,000 a month in their retirement compared to $1,077 under Social Security. They pay in less than half and get three times more.

The difference between San Diego's system of PRAs and Social Security is more than three times better under their private plan. Even those who oppose PRAs—and there are many in this Senate who say, as Vice President GORE says, you just cannot handle your own retirement—agree that the system in San Diego is better.

This is a letter written from Senators BARBARA BOXER, DIANNE FEINSTEIN, and TED KENNEDY, among others, to President Clinton. Under the President's plan for privatizing any part of Social Security, he wanted to take all these employees and bring them into Social Security. Take Galveston County, San Diego, take all of them, and they would have had to become part of Social Security. But Senators BOXER, FEINSTEIN, and KENNEDY, among others, wrote to the President and said:

> Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security.

So they said leave San Diego alone.

My question is, If Social Security is so much better, why don't the residents of San Diego, or the workers, get to enjoy that? But if private retirement accounts are better, why don't you and I get to enjoy the same thing as these three Senators speak of for San Diego?

The United States trails other countries in saving its retirement system. For nearly 19 years Chile offered PRAs; 95 percent have opted into the system, and their average return last year was 11.3 percent. They have had much higher than that, but last year it averaged 11.3 percent. Among other countries that are going to private retirement accounts—and I am talking totally private retirement accounts—are Australia, Britain, Switzerland, and there are 11 others. Thirty countries today are considering doing that.

We like to think we are ahead of the game on a lot of things here in the United States, which we are in most cases, but when it comes to Social Security, we are behind the curve of what other countries are doing.

British workers chose PRAs with 10-percent returns. The question is, Who could blame them? Two out of three British workers are now enrolled in the second-tier; that is, private parts of their social security system. They chose to enroll in PRAs. British workers have enjoyed a 10-percent return on their pension investments over the last 5 years—a 10-percent return. I said our numbers are based on a conservative 7 percent. The pool of PRAs in Britain exceeds nearly $1.4 trillion today. That is how much they have accumulated in that account. That is larger than the entire economy of Britain, and it is larger than the private pensions of all other European countries combined. This is what the British workers have set away for their retirement.

Say you are 45 year old. You say: I have worked 20 years; I paid into the system; How am I going to let that go?

A lot of young people who are 45 say: If you just let me out of the system, you can keep everything I paid in. But we said, again, it is a contract with the Government.

We need to have a recognition bond. This is a sample. But if you have paid in $47,000 or $91,000, we should recognize that in a bond—put that into your private account as seed money and pay you interest on it, due and payable when you reach the age of 65. If you choose to remain within the current system, the Government will guarantee your benefits—again, part of that contract. If you stay with Social Security, we are going to guarantee your benefits. If you are on retirement today, we are going to guarantee those benefits, preserve the safety net so no American will be retiring into poverty.

Again, the poverty level today is $8,240 a year. That means in the United States, you would have to retire with at least $12,400 a year. This is again for a single individual. But you would not retire into poverty—providing safety and soundness. Again, they say this is risky. This is not risky. We have similar rules that apply to IRAs, and they would apply to the PRAs. A Federal Personal Retirement Investment

Board, an independent agency, will oversee the PRAs. Investment companies that manage it would have to have an insurance plan to have survivors benefits, disability benefits, and also a floor that says you would never get less than 2.5 percent of your investment that year. By the way, you choose the company with which you want to put your money. If it is better somewhere else, you can move your money.

Chile has 16 companies that do this with a population of under 20 million people. In our country, we would probably have 100 firms. Just look at the numbers of mutual funds you can choose from today.

You also decide when to retire. This is an important part. Under the current system, the Government tells you how much you are going to pay into the system; the Government tells you when you are going to retire; you have no choice, and the Government tells you what you are going to get as a benefit. They determine everything. You have nothing to say about it. You are being led along like sheep into this system.

Ours says when you reach this 150 percent of poverty, if you can buy an annuity that will pay you the rest of your life at that, you can stop paying into the system. You can retire at that time. I don't care if you are 40 years old. Once you have met that requirement, you can get out of this system. You will no longer be considered a ward of the State; you will have enough to provide for your retirement. Some choices: In divorce cases, PRAs are treated as community property. Upon death, a PRA benefit will go to the heirs without estate taxes.

Think, if you had that $1.4 million in your account when you die—not like my father who got $253, but whatever you had accumulated in your account, up to $1.4 million or more, that would be your money that would go to your heirs without estate taxes, without capital gains. Workers could arrange PRAs for nonworking children. They could put $1,000 in their account, and when they reached the age of 65, it would be $250,000.

There will be no new taxes for this system. Retirement income would be there for everybody, whether you stayed within Social Security or chose to build a personal retirement account. In Minnesota, workers can decide when to retire and which options work best for them. With PRA, average returns would be at least three to five times better.

This is the system. I hope when we continue these debates, and when people hear these scare tactics, remember, that is all they are, rhetoric and scare tactics. We can develop a system that will be safe, sound, and will preserve better retirement benefits than we have today.

We should have that chance for our children, just as other countries. When hearing this debate, set aside the rhetoric and scare tactics and look at the numbers. I hope we can continue this debate because this is a very important part of America's future.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The time of the Senator has expired. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed under the time reserved for the Senator from Wyoming, Mr. THOMAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2605 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mrs. BOXER. Point of order: Is the Democratic side supposed to take over at 10:30?

The PRESIDING OFFICER. At 10:30, that is correct. There remains about 3 minutes.

PERSONAL RETIREMENT ACCOUNTS

Mr. SANTORUM. Mr. President, I wish to briefly continue the discussion started by Senator GRAMS from Minnesota. I commend him for his fine work on the issue of Social Security and moving forward on personal retirement accounts.

I also commend Gov. George W. Bush for his bold and, I think, prescient decision to move forward on the issue of personal retirement accounts for Social Security. This is the kind of leadership this country is looking for, someone who is going to tell the truth to the country, let them know what the decisions to be made are with the most important social program in this country, Social Security.

The Governor laid out very clearly the options before us: We can either raise taxes, we can cut benefits, or one can invest some of the current Social Security revenue stream into stocks and bonds. He came out and said: I am for investment. That is the way we are going to solve this problem and create opportunities for every working American, with every working American sharing a piece of the American dream, the free spirit of America.

I commend him for that, thank him for his leadership, and look forward to talking about this issue over the next several months to move this issue forward for America.

The PRESIDING OFFICER. The Senator's time has expired.

All the time of the Senator from Wyoming has expired.

The Senator from California.

SOCIAL SECURITY

Mrs. BOXER. Mr. President, it is interesting that Senator GRAMS and Senator SANTORUM came to the floor to praise Governor Bush's Social Security plan. I come here to express my deep alarm over this plan and to place into the RECORD the reasons I believe it is very dangerous to the future of this country, to our senior citizens, and to those who really depend on Social Security for themselves or for their aging parents.

I think the first question to ask is, What is Social Security? Why is it called security?

I used to be a stockbroker. I can tell you that I have seen the smiles when the market goes up, and I have seen the tears when the market goes down. At the time I was a broker, there was a very traumatic period in our history. It was the tragic assassination of our great President John Kennedy. I will never forget, the market was just crashing that day. It went down so much that there was a halt in the trading. Anyone who retired that day, and had an annuity plan, would have been in the deepest trouble.

I believe in investments in the stock market. I believe in investments in the bond market. I think it is very important that we let our people know Social Security is not meant to be your full retirement. What it is meant to be—and what it has worked so well as—is a basic foundation, a safety net, not guesswork but a basic return you can expect every month with a check you will get which will meet your basic needs.

Let me describe it this way: You have a house. It is very modest, but it is good. It has a roof. It protects you. It is a place where you can be comfortable, warm. It works for you.

Maybe you want to add a room to that house. That is wonderful. That is an amenity. That is something additional you could use—a family room, an extra bedroom. But you do not mess with the foundation of the house. You keep that a solid house—that Social Security. Anyone who challenges this idea is making a huge mistake. I will explain why.

You do not have to go that far to look at the ultimate result if we just said: People can just have individual accounts and forget Social Security. Because we know that happened in Texas. I will show you what happened in Texas when three counties left Social Security and went into the market and said to their people: We will allow you to deal with your accounts. This isn't theoretical; it has actually happened in Texas. Let me tell you about the Texas example where every single family lost out.

It was the same idea Governor Bush has. He started off talking about 2 percent of your Social Security being diverted. As I understand it, last week he said he could foresee a time when everybody has private accounts—100 percent. We know what happened in this experiment. The source here is the U.S. General Accounting Office, February 1999.

They did a study of the Texas experiment. This is what happened. Those counties went off Social Security, instead of saying: We will have a supplemental plan, like a 401(k). Keep your Social Security. Let's do a supplemental plan.

By the way, around here, a lot of us have a supplemental plan. We have our basic Social Security, and then we have what we call thrift savings, which is added on. That is fine. But we do not mess with Social Security.

These counties messed with Social Security. They walked away. This is what happened: The bottom 10 percent of earners, had they stayed in Social Security, would be getting a monthly benefit of $1,125. But in their retirement plan—where they just said forget Social Security, we will have an individual account—they are getting $542 a month. That is utter poverty. If they are in the median, the moderate income, instead of getting $1,488 a month from Social Security, they are getting $810 a month. If they are in the highest income, instead of getting $1,984 a month, they are getting $1,621 a month.

So when Senator SANTORUM and Senator GRAMS come to the floor—I say to my friend from Illinois, they have been lauding the Bush plan—I think we have to note that if you took the Bush plan to its ultimate, which he in fact said he could foresee, abandoning Social Security for individual accounts, every family lost, regardless of their income bracket.

I do not want to see this for America's families. I do not want to see it. I ask the next question: What happens if we go this route, and people are living in poverty instead of having a social safety net because of this? Do you think Congress would turn its back on the families of America? You know we would not. What would we do? We would say: Oh, my God, we had better bail them out. We have done it before for the savings and loans. We do not want to see people go destitute.

Then you have to ask yourself a question: If George Bush is President and he gets this huge tax cut for the wealthy but has used up all the money for that tax cut, where is he going to find the money to do this bailout? Are we going to go back to the days of printing money? We just finally got out of that situation—thank God—where we were running these deficits; we finally got it under control.

Let me tell you, this election is a watershed election. This is a risky plan.

The women Democratic Senators held a press conference just a few days ago. We decided to look at what this plan would do to women in our Nation. We went to the experts and asked them how they felt about it. This is what one of them said. I want to put his credentials into the mix. This is John Mueller, of Lehrman Bell Mueller Cannon, Inc., a former adviser not to AL GORE, not to BARBARA BOXER, not to DICK DURBIN, but an adviser to Representative Jack Kemp, an adviser to Republican Jack Kemp. This is what John Mueller said:

> . . . the largest group of losers from ''privatizing'' Social Security would be women. This is true for women in all birthyears, all kinds of marital status, all kinds of labor-market behavior, and all income levels.

Why does he say this? We went into this in the press conference we women Senators held. I want to try to find that clip so I can share with you why it is a fact that women will suffer.

First of all, there is no question that private accounts will lead to the reduction of benefits. Why do I say that? I want to make sure people understand that, because when you divert money away from Social Security into private accounts, what happens? The Social Security fund drops, and we do not have enough money to keep paying those benefits. So benefits would have to be cut. Women live longer, and they count on those benefits, so they would lose more; they would suffer more.

Now, here is an irrefutable fact, and the group that analyzed this was the Center on Budget and Policy Priorities. With just a 2-percent privatization—in other words, taking 2 percent of your taxes and putting it into an individual account—the trust fund will go broke in the year 2023. That may sound like a long way off, but trust me when I tell you it is not; 20 years is not a lot of time. I remember back to 1980, and it doesn't seem that long ago. Twenty years from now, with the 2-percent privatization that George Bush is calling for, assuming he does nothing to cut the benefits—and he won't admit to that—the trust fund goes broke.

Right now, without doing anything, the trust fund is solvent until 2037, so we make this trust fund go broke by many years. That is 14 years sooner that the trust fund is broke. AL GORE has a plan to take the interest payments on the debt he is going to save because he is much more conservative than George Bush in paying down the private debt, which is the bonds. He is going to absolutely make sure we don't have to keep issuing more bonds and we will pay down that debt. His plan keeps the funds solvent until 2050.

So let's take a look at the three scenarios. If you do nothing, the fund is solvent until 2037. If you follow the Gore plan, the fund is solvent until 2050. If you do the Bush plan and you don't cut benefits or raise taxes—which he will not tell us what he is going to do—you go bust in 2023. This is from a conservative. We know if you carry this plan to the ultimate extreme and go beyond 2 percent, you essentially know, from looking at what has happened before, people will suffer. You set up a real problem and you may have to do an S&L-type bailout. That is not good.

So the women Democratic Members are very clear on all of this. Let me say, in closing—and I know my friend, Senator DURBIN, is anxious to address this issue—I think a robust debate over Social Security is right on target. I think encouraging people to save and put money into the stock market and have a nest egg there is good because I believe that is a good idea. But don't mess with Social Security. If you want to have a supplemental plan, your basic Social Security plus a 401(k), a thrift savings plan, and IRA, added on to the basic safety net, that is just fine. I believe in that. I think it is smart and good. But if you mess with the foundation, you are in a lot of trouble.

Senator SCHUMER was talking about this earlier today. He made the point that he is saving for his kids' college education. He decided he needed to have that money, no ifs, ands, or buts. He took that money and put it into the safest Government bond-type of investment because he can't gamble. What happens if on the day he has to start paying those bills the market goes down? We have seen the volatility of these markets. He says: My kids have to go to college. I am not going to tell them they can't go. So, yes, for other types of savings; it is a good idea to invest in markets; but for your basic retirement, don't gamble as they did in Texas. Don't gamble as the candidate for President, George Bush, wants to do. There are a number of us who are sending a letter—and I hope Senator DURBIN will describe it—to Governor Bush asking him to come clean on the details of his plan.

I ask unanimous consent to have this document on solvency printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRIVATIZING SOCIAL SECURITY: A RIVERBOAT GAMBLE

Social Security Trust Fund Solvent Until: 2037.

With 2% Privatization, Trust Fund Solvent Until: 2023.

(Source: Center on Budget and Policy Priorities.)

Mrs. BOXER. Mr. President, his plan will take us into the red. Combined with his risky tax scheme, he won't be able to bail out the people. So it is a dangerous idea. Stock market investments are good, but not as a foundation of an insurance plan, which is what Social Security is.

You will be hearing a lot more from the women Senators on our side of the aisle on this question because, under the leadership of Senator MIKULSKI, we have set up a checklist where we are going to judge every plan against this checklist that women should be able to count on. We should be able to count on several things: Preserving the Social Security guaranteed lifetime inflation and protecting the benefit; preserving Social Security protections to workers when they are disabled, as well as when they retire, and for workers, spouses, and children, and when workers are disabled, retired or die; three, protect against impoverishment of women by maintaining Social Security's progressive benefit structure;

four, strengthen the financing of the Social Security system while ensuring that women and other economically disadvantaged groups are protected to the greatest degree possible.

Look at that plan. Does it further reduce poverty among older women? I told you that his plan does not. We certainly want to see if it includes retirement savings options. Are these options something that will work for women? That is where we are.

I will close by repeating a quote from an expert, John Mueller, a former adviser to Representative Jack Kemp, who said:

> The largest group of losers from ''privatizing'' Social Security would be women. This is true for women in all birth-years, all kinds of marital status, all kinds of labor-market behavior, and all income levels.

If you look at this experiment in Texas, everyone lost—all families, women, everyone. Let's not go down this path. We can't afford to do that.

TRIBUTE TO FRANK AUKOFER

Mr. KOHL. Mr. President, I rise today in recognition of 40 years of outstanding reporting by my friend, Frank Aukofer, who is retiring from the Milwaukee Journal Sentinel next week. With his retirement, the Capitol loses one of its finest journalists and Wisconsin loses one of its keenest eyes on Washington. I lose a reporter I admire and trust.

Frank is regarded as among the best in his profession, by both his peers and by those he covers. He is respected as a straight-shooter, valued for his integrity and admired as an honorable man. As a journalist, he has reported on virtually every event of consequence in our country over more than three decades. He has an impressive working knowledge of Congress, of policy, and of politics. Frank is usually three steps ahead of the story.

He is a journalist who didn't lose sight of the responsibilities of reporting, a professional who is a credit to his occupation.

Frank's love of his profession is evident in his long reach beyond the newspaper. He will be honored later this month by the Freedom Forum, a foundation dedicated to free press and free speech throughout the world. He is recognized as a national expert on the media, and has testified before Congress to promote access to government information. He was a visiting professor at Vanderbilt University. He was an early and strong supporter of the Newseum, our country's premier news museum.

Frank is also an active member and former President of the National Press Club, and an enthusiastic, if not particularly gifted, performer for the Gridiron Club. Earning the envy of his colleagues and sports car enthusiasts everywhere, Frank has even managed to peddle a legitimate weekly auto column to newspapers around the country.

As Frank closes this chapter of his career, I know he looks forward to new adventures and more time to spend with his grandkids. Frank has many more years of ideas and ambitions ahead of him. While I am saddened by his departure from the Capitol, I'm convinced that no one will enjoy a busier retirement than Frank Aukofer. I wish him well, I wish him continued good health, and I will miss him.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask the Chair to advise me of the time remaining on the Democratic side?

The PRESIDING OFFICER. The Democratic side has until 11:30 a.m.

SOCIAL SECURITY

Mr. DURBIN. Thank you. I come to the floor this morning to talk about an issue which is dominating the Presidential race across the United States. It is the issue about the future of Social Security.

It is interesting when you ask Americans how important it is. As an issue in this Presidential campaign, 71 percent of Americans say it is very important. It is understandable, because, at least since the era of the New Deal and Franklin Roosevelt, Social Security has really been there as an insurance policy against the devastating impact of age and retirement of people before its creation.

There was a time in America before Social Security when, if you were lucky enough to have saved some money, or if you were among the fortunate few with a pension, retirement was kind of an easy experience. But for the vast majority of Americans who didn't have that good fortune, retirement was a very troubling and dangerous experience.

It is no surprise that before Franklin Roosevelt conceived of the notion of creating Social Security, one of the highest ranking groups of poor people in America was parents and grandparents who were elderly. In his era, President Franklin Roosevelt changed the thinking in America to say: we are going to create, basically, a safety net to say to everyone, if you will give the Social Security fund some money as you work during the course of your employment, we will put that aside and guarantee to you that there will be a safety net waiting for you; that you will have a nest egg; that the Federal Government will be watching; and it will be there.

Over the years, of course, because of medical science and other things, we have gotten to the point where we live longer and more and more people are taking advantage of Social Security. Over the years, the amount of payroll tax for Social Security went up so you could take care of those senior citizens. But Social Security in America, for 70 years, has been that basic insurance policy.

When political leaders of either political party—Democrats or Republicans—start talking about changing Social Security, a lot of American families start listening—not only those who are receiving it but many who are near retirement. Certainly, a lot of younger workers ask very important questions, such as: Will it ever be there when I need it? I think for the last three or four decades in America that question from younger workers has been very common. It is natural to be skeptical—when you are 20 years old or 25 years old—that the money you are putting into the payroll tax for Social Security will ever help you.

Yet if you take a look at the record in America, Social Security has always been there. Payments have always been made. We have kept up with the cost-of-living adjustments to try to improve and increase those payments over the years. But we have kept our promise. A program created almost 70 years ago has been an insurance policy for every American family.

There are warnings, of course, for people: Do not count on Social Security for a living because it is a very spartan existence. It doesn't provide a lavish lifestyle once you have retired. But you are not going to starve. You are going to have some basic health and necessities of life. Americans have built this into their thinking about their future. What will happen to us at the age of 65? We would like to think we are prepared with savings and retirement, but we always know that we have worked for a sufficient number of quarters for our lives so that we will qualify for Social Security.

It is interesting. In the year 2000, in this Presidential campaign, there is a brand new debate, and the debate suggests that we ought to take a brand new look at Social Security. On one side, George Bush has suggested we ought to change it rather dramatically; that we ought to take at least 2 percent of the payroll savings taxes that are taken out for Social Security and put that into a private account in which individuals can invest.

There is some appeal to that because a lot of people say maybe that will be a better idea—maybe I can make more money by investing it personally and directing my investments than if the Federal Government buys a very conservative investment plan with the whole Social Security trust fund. It is not uncommon to think that people across America are feeling good about directing their own future.

I say at the outset that—I think I speak for everyone in the Senate, both Democrat and Republican—we believe in encouraging people to save for their future. We believe in giving them options for investment. That is why we have created IRAs and 401(k)s, and all sorts of vehicles under the Tax Code so people can make plans for their future. But George Bush raises a more important question, and one that I would like to address for a few minutes.

What would happen if George Bush had his way? If we took 2 percent of the

proceeds going into the Social Security trust fund and said they will no longer go into the trust fund but people will be allowed to invest them individually, what impact would that have? Frankly, it could have a very serious and, I think, a very negative impact.

Keep in mind that the money being taken out of the payroll taxes each week in America goes to pay the current benefits of Social Security retirees. There is not some huge savings account that is blossoming. But basically we are talking about a pay-as-you-go system. If you take 2 percent away, you are still going to have the retirees needing their Social Security check. You are going to have to figure out some way to plug this gap.

If you say that 2 percent of payroll taxes will stop going into the Social Security trust fund, who will make up the difference? How big is that difference? Some estimate that the difference is $1 trillion. If you think about that, you have to ask George Bush and others who support this: Where is that money coming from? How will we make up the difference if we start saying to people they don't have to put it all in the trust fund, keep 2 percent and invest it personally? That $1 trillion transition has to be taken in the context of George Bush's other suggestion of a $2 trillion tax cut primarily for the wealthiest people in America.

I will concede that we are in good times in America for most families. The economy is strong. For the first time in decades, we are seeing surpluses in the Federal accounts. You can attribute that to leadership in Washington, leadership in business, and leadership in families. It has all come together in the last 8 years. America is moving forward. We are in a surplus situation. Who would have thought we would be talking about this on the floor of Congress just a few years after we debated a balanced budget amendment?

But many of us believe that even in a surplus situation we should be cautious because we are not certain what is going to be around the bend. We want to make certain that the decisions we make now about investing surplus funds makes sense for ourselves, for our children, and for our grandchildren.

To come up with an idea for taking this surplus and putting it into a massive tax cut for wealthy people or putting it into a Social Security change that could cost us another trillion dollars, in my mind, is not fiscally conservative. Yes. That is right—fiscally conservative.

The conservative approach being proposed by President Clinton and Vice President GORE says take the surplus and instead of putting it into something of great risk, such as a tax cut or some privatization of Social Security, let us buy down parts of the national debt. The national debt costs taxpayers in America $1 billion a day in interest. That is right. You are paying taxes now—payroll taxes and income taxes—to the tune of $1 billion a day for interest payments on old debt.

If you think about it, what is a better gift to our children and their children than to reduce this debt, and to say to them that we are going to take care of our mortgage, the one that we were going to leave to you, by paying down the national debt? That is Vice President GORE's suggestion. He says, in the Social Security program, pay down the debt in the trust funds. Pay down all of the bonds that have accumulated. When you do it, incidentally, you can extend the life of Social Security and make it stronger to the year 2050. It is a twofer—reducing the national debt and reducing the interest payment on it, and at the same time strengthening Social Security. That is the Gore approach. It a conservative approach. I will concede that. But I think it is the fiscally responsible approach.

On the other side, George Bush has said don't worry about paying down debt; Let's talk about a tax cut of $2 trillion for wealthy people, and let's talk about a new Social Security privatization idea that will cost at least $1 trillion in transition. That is not conservative, nor do I think it is prudent. I think you can appropriately call it a risky idea.

I joined with Senator BYRON DORGAN of North Dakota and Senator CHARLES SCHUMER of New York and my friend and colleague Senator BOXER of California in sending a letter to George Bush saying to him: If you want to talk about one of the most important programs to America's families, Social Security, and you want to talk about dramatic changes in Social Security, then we want you to come forward with an idea about what this means. What impact will this have on families?

We are anxious to receive a reply because, you see, George Bush, in the last few weeks, has gone beyond the 2-percent suggestion—that we can take 2 percent and invest it in the stock market—and now he says he can envision a day when we invest all of our Social Security in the stock market.

I readily concede that over the last 8 years, during President Clinton's administration, the stock market has done very well. It doesn't from day-today for those who follow it, but over the long term it has. The Dow Jones Industrial Average of 3,000 back in 1993 is now up to 10,000. That suggests a lot of wealth has been created in America. Those that were smart enough, and could, invested in the stock market and have seen their savings grow.

It is naive to believe this will go on indefinitely. We have certainly seen in the last 6 months the roller coaster of the NASDAQ and the roller coaster of the New York Stock Exchange, to suggest there have been good days and bad days. To take your life savings, or take 2 percent of your payroll tax and Social Security, and put it in the stock exchange, you understand there are risks. I think most Americans appreciate that fact.

As I said earlier, for those who want to invest their savings, that is their business. When it comes to Social Security, we have always said this is a part of our system that should be protected. If we go forward with George Bush's plan to privatize Social Security, it would truly give to individuals some power to invest. However, it also raises questions about the future of this Social Security system. Where will we come up with the $1 trillion in transition payments?

There are only so many ways to achieve that: We can tax Social Security to come up with more revenue; we can reduce benefits, for those who are currently receiving Social Security; or we can raise the retirement age under Social Security.

Frankly, I reject all three of those. I don't think America's families who are looking forward to enjoying their retirement years and counting on Social Security will sign up for George Bush's deal when they understand it could jeopardize Social Security as we know it and as we count on it. That is truly one of the serious problems we face.

Second, if we accept the George Bush approach on privatizing Social Security, we don't have the money that Vice President GORE wants to invest in paying off the national debt and paying off the debt of the Social Security trust fund. So we leave that interest payment out there for future generations. We don't stabilize Social Security. We don't give it a longer life.

A point made earlier by my colleague from the State of California, Senator BOXER: What if George Bush guesses wrong? What if people invest some part of their Social Security into the stock market and the market goes down and they are losing money? What will the response be of the elected officials across this country? We don't know because we have never faced it.

History tells us it is likely that Democrats and Republicans will say: Wait a minute; we cannot let a sizable number of Americans fail. People cannot be in a position where they don't have enough money to live on in retirement.

We are then likely, on a political basis, to ride to the rescue. Anyone remember not too long ago we did that with the savings and loan bailout? Too many institutions had lost money across America, and a lot of people lost their savings accounts. We bailed out the savings and loans. I didn't like voting for that, but I didn't see any alternative. The economy was at stake and we did it.

I happen to believe if the Bush privatization scheme goes through and it doesn't work, this Congress will be called on to come up with the money to bail out the families who guessed wrong in the stock market. Think about where this leads. From the dark days of deep red ink and deficits, we are now in a surplus. George Bush is saying let's try something that is a little new and a little innovative and

hasn't been tried. He is suggesting changes which could jeopardize the strength of this economy, the strength of our recovery, and what we envision as a strong American economy for decades to come. He is taking what I consider to be a leap of faith that some scheme which someone has come up with will work.

Vice President GORE is urging a more conservative approach: Put the surplus into bringing down the substantial debt, into strengthening the Social Security trust fund; put the surplus into making certain that Medicare is there for years to come; reduce the national debt so our children and their children don't continue to pay $1 billion in interest a day on old debt that we have accumulated.

That is the fundamental choice. It is not a question of whether people should have the right to invest their savings in the stock market—that is their right in America; 50 percent of families are doing that now. Our family is one of them—but whether or not you take the Social Security system, and after 70 years, turn it upside down and say we are now going to make this a much different system.

In the words of George Bush: We will privatize Social Security. I think there is a great amount of risk to that. I can understand the skepticism of a lot of American families about this proposal.

Mrs. BOXER. Will the Senator yield for a couple of questions?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. I thank my colleague. Once again, he has explained quite clearly what the risks are to this Bush plan.

I was reading some of the quotes that appeared in the press surrounding the Bush plan. I ask my colleague to comment on some of them.

Bush's top economic adviser, Lawrence Lindsey, acknowledged somewhat sheepishly he bailed out of the market years ago. He said: That was because of my personal situation. I don't take risks. I hate losing money.

That was from the Philadelphia Inquirer: I don't take risks; I hate losing money.

I think that reflects certain people are more conservative. Others are willing to take a risk.

The point my colleague and I have tried to make is that we think it is fine if you want to take a risk with certain accounts you have, but you don't want to risk the foundation of your retirement, the safety net of your retirement. You want to count on that.

Bush's top economic adviser is saying he hates losing money, and yet the person he advises is essentially putting money at risk for other people.

I want to mention something else. The word ''privatization'' is a good word. I like it. It is similar to the word ''deregulation.'' It is a nice word. Everybody likes ''privatization.'' It is a nice word that indicates individual control. Of course, much of what we do in our life is privatization. We have our own accounts, whether they are savings accounts, or we own bonds, and we direct them. However, Social Security is a little bit different. It is the foundation.

The Houston Chronicle reported that Bush said on Tuesday, his plan to create private savings accounts could be the first step toward a complete privatization of Social Security. That would be the end of a program that has worked for 70 years. There is more at stake than a 2-percent diversion of funds.

Finally, the New York Times reports, when answering the question about his plan, Mr. Bush said the Government could not go from one regime to another overnight. It is going to take a while to transition to a system where personal savings accounts are the predominant part of the investment vehicle. When he is asked by the Dallas Morning News, would beneficiaries receive less money, he says: Maybe; maybe not.

I ask my friend for his comments on the volatility of the stock market expressed by Bush's own top economic adviser, the fact that this could be the first step toward the end of Social Security, and the fact that George Bush cannot answer today whether anyone would have to take a cut in your benefits.

Mr. DURBIN. I thank the Senator from California. Quoting George Bush on this issue tells me more than anything else that he has not thought this through. In the 18 years I have served on Capitol Hill, when the issue of Social Security has come up, I have had a tendency to step back and wait. I want to hear both sides.

This is complicated. We are literally talking about a Social Security system that benefits tens of millions of Americans today and that many more Americans are counting on for the future. When people start talking about change in Social Security, I am very cautious. I think the people of Illinois who have sent me here expect me to be cautious.

I recall when the Senator from California and I were serving in the House of Representatives many years ago when there was a debate on the floor about the so-called ''pickled-pepper'' amendment. Jake Pickle of Texas and Claude Pepper of Florida had a fight over the future of Social Security and whether to raise the retirement age from 65 to 67. I voted against that. I really think the retirement age is an important milestone in people's lives, particularly if they have jobs involving manual labor and physical work. So when people start talking about changing Social Security—''We will change a little bit here and a little bit there''—I am very skeptical because I don't want to see us put in a position where someone's great campaign promise in the year 2000 means someone trying to retire in just a few years from now finds out that the window is closed at Social Security:

''No, you have to wait a few more years.''

''Why?''

''We wanted to try a new approach to Social Security.''

The Senator from California is right. When George Bush says—and this is a quote from the Houston Chronicle—''creating private savings accounts in Social Security could be the first step toward a complete privatization of Social Security,'' that is a frightening idea. Let me explain to you why.

If we ever privatize Social Security, we will still have millions of Americans who worked their whole lives, paid their taxes, obeyed the laws, and counted on Social Security, who need to receive their benefits. If you are going to have that requirement out there, you have to figure out a way to keep Social Security moving while George Bush creates a brand new system, his new idea, whatever it is. That is a massive investment. When we talk about keeping America's economy moving forward, not increasing our deficit, creating more surpluses, keeping job creation online and businesses thriving, I think this is a risky venture by George Bush when it comes to Social Security.

Frankly, I think the American people should ask of George Bush what several Members of the Senate have asked: Sit down and explain this to us; put it on paper. Before you start messing with Social Security, explain to us what you have in mind because a lot of us—a lot of families across America—are counting on this system.

Mrs. BOXER. If my friend will yield further, I understand Senator GRAMS came down and quoted me as saying I like the idea of people investing in the market. I do. But not taking it away from the foundation of Social Security. Social Security is that foundation. As my friend pointed out, this is really serious.

Since Governor Bush is now saying he envisions the day when we don't have any more Social Security, when it would all be private accounts—that is not Social Security. He is right to point out: What happens to those of us who have worked our 40 quarters? There would be nothing going into the Social Security fund to pay those benefits. What does that mean? We are not going to let those people go poor; everyone knows that. The pressure will be on us. We will bail out the system.

If you take it a step further and look at his $2 trillion tax cut, where is he going to get the money? He will print it. We will go back to those days his father oversaw, with $300 billion deficits which added to the national debt. As my friend well knows, we had more debt in the Reagan-Bush years than we had from George Washington to Ronald Reagan.

We do not want to go back to those days. We don't want to go back to those days when our President had to go visit another country to find out how to run the economy. Those were

bad days for this Nation—bad, bad days. It took us a long time to get out of it. A lot of people lost their seats around here because they had the courage to vote to balance this budget. It did not take courage to vote for a balanced budget amendment to the Constitution. It did take courage, however, to vote to actually balance the budget. It meant some tough stuff.

I want to ask my friend, we have a colleague on this side of the aisle who says: Yes, we ought to go into privatizing Social Security. But he is one of the most courageous and straightforward colleagues, Senator BOB KERREY. What does he say about it? He says if you are going to go that route, this is what you have to do: Raise the retirement age.

My friend has already pointed out we have raised it to 67 over time. What is it going to be, 75? People will die long before they get their checks or they will be too old to really appreciate it. We don't want to see that happen, raising the retirement age after people worked so hard, and then make them work longer, or raise taxes on the Social Security that you get, or on your interest from these personal accounts. Raise taxes, raise their retirement age, lower benefits—you have to do a combination of those things.

I have to say, there are a lot of things we do around here that are not very good. But would my friend not agree we have a good system here that has lasted through time—70 years, as he points out? It is a basic retirement, a basic safety net.

One last point I would make for my friend to comment on. Around here we are like everybody else; we want to make sure we can take care of our families. I think what we do around here is a good system. We have had Social Security since the 1980s. We decided to make sure we paid in. We have Social Security retirement as our basic foundation, and then, if we want, we can add a thrift savings plan. So, yes, we can pick out investing in the market—or, by the way, Government bonds, or corporate bonds—in addition to our Social Security.

That will be my last question to my friend. We know it is good to not put all your eggs in one basket, but we also think it is important to have a basic account, No. 1; No. 2, don't go back to the bad old days of these yearly deficits that were dragging our economy down. Yes, you want to add something to sweeten your retirement pie, take a little risk with it. We know some people who have taken some risks and didn't do too well; others have done very well. That is fine. Don't mess with the foundation of the house. If you want to add a room, fix it up. That is great. But don't mess with the foundation.

Mr. DURBIN. I thank my friend, the Senator from California.

It is interesting in this debate how the roles have been switched. It used to be not that long ago the Democrats were faulted for being fiscally irresponsible, too liberal when it came to tax and spend. In this debate over the future of Social Security, the fiscally conservative and, I think, from my point of view, the prudent approach is being pushed on the Democratic side. That is, make certain before we take the surplus economy for granted, and make certain before we talk about any changes for Social Security, that we have thought them through.

Here we are in the middle of the Presidential campaign, with George Bush, the Republican candidate, suggesting sweeping changes in Social Security, changes which could literally affect millions of American families.

The concept that we would somehow privatize Social Security would have been laughable not that many years ago. Now it is being said with a straight face during the course of this Presidential campaign. Unfortunately, the candidate, George Bush, who is making these statements, refuses to come forward and explain how he would achieve it.

I think it is natural for those of us on the other side, those supporting Vice President GORE, to ask of him to be specific. If you are going to start talking about Social Security, start telling us in specific terms how you are going to change it and what it is going to cost us.

I think the plan on the other side, from Vice President GORE, is a conservative, sensible approach that does not assume this economic boom which we have seen over the last 8 or 9 years will continue indefinitely. What Vice President GORE has said is take the surplus we have coming into the Federal Government and invest it back to pay off the debt of our Nation.

We in Illinois, I think, represent kind of a microcosm. I represent a microcosm of this Nation—rural, urban, liberal, conservative, and you name it—across our great State. When I go back and talk to business leaders about what to do with our surplus, they universally agree with Vice President GORE's position: Be prudent, be sensible, take the surplus and invest it in such a way so if 6 months from now we are in a recession or a downturn, we will not regret decisions we have made.

Take a look at what has happened to us in just a short period of time. Because we have had fiscal discipline for the last several years, the Nation's debt is already $1.7 trillion lower than it would have been. In other words, if we had not made this decision a few years ago to balance the budget and to make certain that Social Security trust funds were not spent for other reasons, we could be $1.7 trillion deeper in debt, meaning we would have bondholders in the United States and around the world asking every month for their interest payment and being paid with taxes coming out of families, businesses, and individuals across America.

We are on the right track. I think we in Washington got the message. Under the Clinton-Gore administration, we have started bringing down this debt and the economy has flourished for most people. There are exceptions: In the farm belt, exceptions in the inner city, exceptions in small towns. But by and large, most people believe America is moving in the right direction.

Along comes a Presidential campaign. Really, this is a referendum on our future. I am not going to question the motives of George Bush on the Republican side, and I hope he would not question the motives of Vice President GORE.

The American people basically have a crucial choice this November. In a time of prosperity, what should America's future look like? What should we be doing for the young people across America to say to them: We want to create at least as good an opportunity for you as we have had in this country.

Frankly, the Democratic approach, Vice President GORE's approach, is the sensible one. It basically says: Don't assume prosperity forever; pay down the debt so we don't have to collect more in taxes to pay interest on this debt. Reduce the debt of the Social Security program so that it will be stronger for a long period of time.

In fact, under Vice President GORE's proposal, for another 50 years, it will be solvent, so we can even say to those who are just getting their driver's license this year: Social Security is going to be there when you show up at the window 50 years from now. That is a good thing to say to the future of America.

Also, we are saying when it comes to Medicare—this is a program often overlooked by this Congress; it is not overlooked by tens of millions of elderly and disabled who count on Medicare for their health insurance—we believe we should take part of this surplus and invest it in Medicare as well to make sure it is stronger and is affordable. This is the Gore approach.

The other side is a much different view of our future. What George Bush has proposed for America's future is let's try something new and untried. First, let's talk about a $2 billion tax cut, and it is a tax cut that is not targeted to families who need it. It is a tax cut that, frankly, goes to a lot of people who are already wealthy.

I am joined on the floor by my colleague from New York, Senator SCHUMER. Senator SCHUMER has a proposal most American families would applaud. He has suggested targeting the tax cuts where they are really needed. One of Senator SCHUMER's proposals is to allow families to deduct up to $10,000 a year in college expenses for their children. That means about $2,800 in the bank for a lot of families to help pay college education expenses. That is a smart investment. That is a targeted tax cut that does not go to the wealthiest in America but prepares the next generation of Americans to compete in a global economy.

This election is coming down to: Do you want the Bush tax cut for primarily wealthy people, and do you want to target the tax cuts and invest in paying down the debt? Do you want to keep Social Security strong for decades to come, or try a privatization approach which Governor Bush proposes which has never been tested and will cost us a trillion dollars and runs the risk of more red ink, more deficits, and problems in the future?

We are taking the Gore and Democratic side, fiscally prudent approach which says: Let's look to the future in real uncertain terms.

I know we only have until 11:30 for morning business. My colleague from New York is here. I yield the floor to Senator SCHUMER.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. SCHUMER. I thank the Chair. Mr. President, I also thank the Senator from Illinois for his, once again, enthusiastic, as well as erudite, presentation on our fiscal policy and on Social Security. Maybe after I finish what I have to say I will say a few words on that. I do not know the time situation.

GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but this Republican Congress still refuses to act on sensible gun legislation. Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year and will continue to do so every day the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some people who were killed by gunfire 1 year ago today. Before I read the names, these are names, just letters in black and white, but every one represents a life living and breathing, loving and was loved. Every one leaves a family and friends who will never be the same, as well as the tragedy for all of us that someone is untimely taken from us:

Rodney Autry, 30 years old, Dallas, TX; Aaron Baskin, 28 years old, Chicago, IL; Shawn Blake, 24 years old, Detroit, MI; Eddie Espinosa, 17 years old, Miami-Dade County, FL; Keith Gales, 19 years old, Pittsburgh, PA; Rodney J. Graham, 25 years old, Chicago, IL; Gaberiel Herrea, 22 years old, Detroit, MI; Francisco Horta, 33 years old, Miami-Dade County, FL; Eddie JOHNSON, 17 years old, New Orleans, LA; Goodman Jones, 55 years old, Concord, NC; Brian Sentelle Hill, 20 years old, Macon, GA; Harvey Meyers, 23 years old, Philadelphia, PA; Tarvis E. Miller, 25 years old, Chicago, IL; Cleophis Ramsey, 41 years old, Miami-Dade County, FL; Jesus Rodriquez, 22 years old, Houston, TX; Luther Faye SMITH, 45 years old, Tulsa, OK; Thomas Tyler, 20 years old, New Orleans, LA; Frederick Williams, 19 years old, Detroit, MI; Jamal Williams, 18 years old, Philadelphia, PA; unidentified female, 12 years old, Chicago, IL; an unidentified male, 24 years old, Norfolk, VA; an unidentified male, 60 years old, Portland, OR.

I hope and pray the reading of these names importunes us to act. Would all of these deaths be prevented with better laws on the books? Maybe not. Would some of them have been prevented with better laws on the books? Most likely. But even if there is a chance that one of the lives I have mentioned might be living, breathing, living under God's sunshine on this Earth, being the kind of person we can all be just by the gift of life, then there is no reason not to act.

I hope the understanding that every day, every year, there are names such as these from every part of this country who are killed by gun violence will finally move this body to act.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. KENNEDY. Mr. President, I once again bring the attention of the Senate to the importance of completing action on an issue that is of fundamental importance to families all across this country, and that is the role of the Congress in addressing the elementary and secondary education challenge which exists across our Nation in which local communities and States are taking action and in which the Federal Government is also a partner.

We have had a total of 6 days debate. Of the 6 days, 2 were debate only. We were not permitted to have votes on 2 of those 6 days, so we had 4 days of debate and votes. We had a total of 8 amendments. One was a voice amendment. There were 7 rollcalls. Of the 7 rollcalls, 2 of those rollcalls were on amendments we had indicated we were prepared to accept. Essentially, we have had 4 days of debate and 5 votes on this legislation.

This is what our good Republican friends have indicated to us about the priority of education.

In January 6, we have our majority leader saying:

> Education is going to be a central issue this year. For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

These are his remarks to the U.S. Conference of Mayors luncheon on January 29:

> But education is going to have a lot of attention, and it's not going to be just words.

On June 22, he said:

> Education is No. 1 on the agenda of Republicans in the Congress this year.

In remarks to the U.S. Chamber of Commerce on February 1, 2000, he said:

> We're going to work very hard on education. I have emphasized that every year I have been majority leader, and Republicans are committed to doing that.

On February 3, in a speech to the National Conference of State Legislatures, he said:

> We must reauthorize the Elementary and Secondary Education Act. Education will be a high priority in this Congress.

Congress Daily, on April 20, said this:

> Lott said last week that his top priorities in May include an agriculture sanctions bill, ESEA reauthorization, and passage of four appropriations bills.

May 1:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

On May 2, I asked Senator LOTT:

> On ESEA, have you scheduled a cloture vote on that? Senator Lott said:
>
> No, I have not. . . . But education is No. 1 in the minds of the American people all across the country, in every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

On May 9, at the time when the legislation was pulled down, I asked the majority leader:

> As I understand, we will have an opportunity to come back to ESEA next week. Is that the leader's plan?

He said:

> That is my hope and intent.

We are about to go out for a period of 10 days. We are reaching the end of May. We have no end in sight for the completion of legislation dealing with the Elementary and Secondary Education Act. We have been prepared to enter into short time agreements on the various proposals. I don't know of a single amendment on this side on which we could not enter into a time agreement of 1 hour equally divided. We put that forward and we have outlined in detail the various education amendments that we had intended to offer. But we are not getting focus, attention, and priority on this legislation.

I don't believe the American people want us to stonewall on the issue of education. I don't think they want the Senate gagged from having a full debate, discussion and action. We have had other legislation, such as the bankruptcy bill, that went for 15 or 16 days of debate before completion. We can take the time that is necessary and also complete the work on the appropriations bills. But we are serious about bringing this matter to the floor. We are going to raise it continuously. We want to take action. We think families across this country know appropriations are important, but those appropriations are not going to actually be expended until the fall. Families want to know, as we go on into this year, what we are going to do on education and education policy. We owe it

to the families, and we have every intention of pursuing it on this side of the aisle.

I yield the floor.

INTERNET PRIVACY

Mr. KERRY. Mr. President, last night, the FTC released its report on Internet privacy. We are, all of us, in the midst of an Internet revolution in this country. It is extraordinary, when we think about it, to take note of the fact that the Internet has only been in existence about 6 or 7 years now. During that time, it has had a profound impact on everybody's life, particularly on business, and increasingly on consumer opportunity.

I have tremendous respect for the work the FTC has done on this issue. Its monitoring of web sites and the convening of working groups have been very helpful in educating all of us on a very complicated new arena. The FTC plays an important role in oversight and regulating our economy, and I think it is fair to say that its Commissioners have navigated admirably through the complexity of the new economy.

But—and here is the ''but,'' Mr. President—at this particular moment in time, I very respectfully disagree with the regulatory approach to Internet privacy proposed by the FTC. Let me be clear. Yes, consumers have a legitimate expectation of privacy on the Internet, and they will demand it, and I personally want that right of privacy protected. But I also believe that they want an Internet that is free and that gives them more choices rather than fewer. I believe that a regulatory approach mandated by in-depth, detailed congressional legislation at this particular point in time could actually harm consumers in the long run by limiting their choices on the Internet.

On the Internet today, we can buy and sell anything. We can research everything from health information to sports scores to movie reviews. We can keep track of our stock portfolios, tomorrow's weather, and the news throughout the world. And we do most of that free of charge. The reason we can surf from page to page for free is because the Internet, like television, is supported by advertising—or is struggling to be supported by advertising. Obviously, access is by subscription in most cases; but the point is that advertising is increasingly growing. Business spent more than $1.9 billion to advertise on the web in 1998, with spending on electronic advertising expected to climb to $6.7 billion by 2001.

It is this advertising that is the reason we don't have a subscription-based Internet—at least at this point in time. That would clearly limit a lot of people's online activities, and it would contribute to the so-called digital divide. Instead, we have an Internet that we can freely explore. It is my sense that people like this model of the Internet, and they understand that the banner ads they see on their screens are necessary in order to try to keep the Internet free.

What I don't think people understand is that, at least for now, the model for Internet advertising is going to include ads that are narrowly targeted to particular customers. The jury is still out on whether a targeted model is going to work. Currently, the click-through rates—the average percentage of web surfers who click on any single banner ad have fallen below the 1-percent mark, compared with about 2 percent in 1998. Some see that as a sign that the advertising model on the Internet has failed. Others say the percentages are lower, but that is because more and more ads are being placed. What it tells me is that it is simply too soon for the Congress of the United States to step in and prevent that model from running its course. If, for the time being, we allow or acknowledge that the economy of the Internet calls for targeted advertising, we must also recognize that it won't attract customers if they believe their privacy is being violated.

Finding the fine balance of permitting enough free flow of information to allow ads to work and protecting consumers' privacy is going to be critical if the Internet is going to reach its full potential. I believe that we in Congress have a role to play in finding that balance, although we should tread very lightly in doing so.

In the past, I have argued that self-regulation was the best answer for consumers and the high-tech industry itself in relation to privacy. I hope we can continue to focus on self-regulation because Congress will, frankly, never be light-footed enough—nor fast-footed enough—to keep up with the technological changes that are taking place in the online world.

However, poll after poll shows that consumers are anxious that their privacy is not being protected when they go on line.

For example, a 1999 survey by the National Consumers League found 73 percent of online users are not comfortable providing credit card or financial information online and 70 percent are uncomfortable giving out personal information to businesses online. Moreover, due to privacy concerns, 42 percent of those who use the Internet are using it solely to gather information rather than to make purchases online.

Likewise, a Business Week survey in March 2000 noted that concern over privacy on the Internet is rising. A clear majority—57 percent—favor some sort of law regulating how personal information is collected and used. According to Business Week, regulation may become essential to the continued growth of e-commerce, since 41 percent of online shoppers say they are very concerned over the use of personal information, up from 31 percent two year ago. Perhaps more telling, among people who go online but have not shopped there, 63 percent are very concerned, up from 52 percent two years ago.

In addition to it being too early in the process for Congress to embark on sweeping legislation, I believe there are still a number of fundamental questions that we need to answer. The first is whether there is a difference between privacy in the offline and online worlds.

I think polls like that are the result of the failure, so far, of industry to take the necessary initiative to protect consumers' privacy. But we should not neglect to notice that industry is making progress. When the Federal Trade Commission testified before the Commerce Committee about this time last year, it cited studies showing that roughly two-thirds of some of the busiest Web sites had some form of disclosure of privacy policies. This year, the FTC reports that 90 percent of sites have disclosure policies. Likewise, last year the FTC found that only 10 percent of sites implemented the four core privacy principles of notice, choice, access and security. This year the FTC reports that figure at 20 percent. That is still not high enough, but this is a five-year-old industry. We've seen significant improvements without the need for intrusive congressional intervention. It is simply too soon to write off a market driven approach to privacy.

Most of us don't think about it. But I want to make a point about the distinction between the offline and online world. When you go to the supermarket and you walk into any store and swish your card through the checkout scanner, that scanner has a record of precisely what you bought. In effect, today in the offline world, people are getting extraordinarily detailed information about what you are purchasing. The question, therefore, is to be asked: Is there some kind of preference about what happens at the supermarket, or any other kind of store, and is that somehow less protected than the choice you make online? Likewise, catalog companies compile and use offline information to make marketing decisions. These companies rent lists compiled by list brokers. The list brokers obtain marketing data and names from the public domain and governments, credit bureaus, financial institutions, credit card companies, retail establishments, and other catalogers and mass mailers.

I have been collecting the catalogs that I have received just in the last few weeks from not one online purchase, and I have been targeted by about 50 catalogs just on the basis of offline purchases that have been made and not because of an online existence.

Even in politics, off-line privacy protections may be less than those we are already seeing online. For example, we all know that campaigns can and do get voter registration lists from their states and can screen based on how often individuals vote. They will take this data and add names from magazines—Democrats could use the New Republic and Republicans might choose

the National Review—and advocacy groups, and target all of them. With those combined lists, campaigns decide which potential voters to target for which mailings. The campaigns will also often share lists with each other and with party committees. All of this goes on offline.

On the other hand, when I go to the shopping mall and I walk into a store and look at five different items, five sweaters, or five pairs of pants, whatever it may be, and I don't buy any of them, there is no record of them at all. But there is a record of that kind of traveling or perusal, if you will, with respect to the web.

There are clearly questions that we have to resolve with respect to what kind of anonymity can be protected with respect to the online transaction.

I just do not think this is the moment for us to legislate. I think we need to study the issue of access very significantly.

There is a general agreement that consumers should have access to information that they provided to a web site. We still don't know whether it is necessary or proper to have consumers have access to all of the information that is gathered about an individual.

Should consumers have access to click-stream data or so-called derived data by which a company uses compiled information to make a marketing decision about the consumer? And if we decide that consumers need some access for this type of information, is it technologically feasible? Will there be unforeseen or unintended consequences such as an increased risk of security breaches? Will there be less rather than more privacy due to the necessary coupling of names and data?

Again, I don't believe we have the answers, and I don't believe we are in a position to regulate until we have thoroughly examined and experienced the work on those issues.

I disagree with those who think that this is the time for heavy-handed legislation from the Congress. Nevertheless, I believe we can legislate the outlines of a structure in which we provide some consumer protections and in which we set certain goals with which we encourage the consumer to familiarize themselves while we encourage the companies to develop the technology and the capacity to do it.

Clearly, opting in is a principle that most people believe ought to be maximized. Anonymity is a principle that most people believe can help cure most of the ills of targeted sales. For instance, you don't need to know if it is John Smith living on Myrtle Street. You simply need to know how many times a particular kind of purchase may have been made in a particular demographic. And it may be possible to maintain the anonymity and provide the kind of protection without major legislation. It seems to me that most companies will opt for that.

In addition to that, we need to resolve the question of how much access an individual will have to their own information, and what rights they will have with respect to that.

Finally, we need to deal with the question of enforcement, which will be particularly important. It is one that we need to examine further. I believe that there is much for us to examine. We should not, in a sense, intervene in a way that will have a negative impact on the extraordinary growth of the Internet, even as we protect privacy and establish some principles by which we should guide ourselves. I believe that the FTC proposal reaches too far in that regard.

I hope my colleagues in the Senate will join me in an effort to embrace goals without the kind of detailed intrusion that has been suggested.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will proceed to executive session.

The legislative clerk read the nomination of Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission.

Mr. MCCONNELL. Mr. President, based on the caricatures of Professor Bradley Smith, one would think he must have horns and a tail. I unveil a picture of Brad Smith and his family in the hopes of putting to rest some of these rumors.

Let me quote Professor Smith himself on this point, talking about the experience he has had over the last 10 months. He said: In the last 10 months since my name first surfaced as a candidate, certain outside groups and editorial writers opposed to this nomination have relied on invective and ridicule to try to discredit me. Among other things, some have likened nominating me to nominating Larry Flynt, a pornographer, to high office. Nominating me has been likened to nominating David Duke, one-time leader in the Ku Klux Klan, to high office. Nominating me has been likened to nominating Theodore Kaczynski, the Unabomber, a murderer, to high office.

Professor Smith went on and said: Just this week I saw a new one. I was compared to nominating Jerry Springer, which is probably not a good comparison since Springer is a Democrat. Other critics have attempted ridicule, labeling me a ''flat Earth Society poobah,'' and more.

He says: I say all this not by way of complaint because I'm sure that Members—he is referring to Members of the Senate—have probably been called similar or worse things in the course of their public lives.

I thought it might be appropriate to begin with a photograph of Professor Smith and his family, which bears little resemblance to Larry Flynt, David Duke, or Theodore Kaczynski.

It is my distinct honor today to rise in support of the nomination of Professor Bradley A. Smith to fill the open Republican seat on the bipartisan Federal Election Commission.

In considering the two FEC nominees, Professor Brad Smith and Commissioner Danny McDonald, the Senate must answer two fundamental questions: Is each nominee experienced, principled, and ethical? And: Will the FEC continue to be a balanced, bipartisan commission?

I might state this is a different kind of commission. It is a commission set up on purpose to have three members of one party and three members of another party so that neither party can take advantage of the other in these electoral matters that come before the Commission. The Federal Election Commission is charged with regulating the political speech of individuals, groups, and parties without violating the first amendment guarantee of freedom of speech and association—obviously, a delicate task.

Over the past quarter century, the FEC has had difficulty maintaining this all-important balance and has been chastised, even sanctioned, by the Federal courts for overzealous prosecution and enforcement that treated the Constitution with contempt and trampled the rights of ordinary citizens.

In light of the FEC's congressionally mandated balancing act and the fundamental constitutional freedoms at stake, Congress established the balanced, bipartisan, six-member Federal Election Commission. The law and practice behind the FEC nominations process has been to allow each party to select its FEC nominees. The Republicans pick the Republicans; the Democrats pick the Democrats. As President Clinton said recently, this is, ''the plain intent of the law, which requires that it be bipartisan and by all tradition, that the majority make the nomination'' to fill the Republican seat on the Commission.

Professor Bradley Smith was a Republican choice agreed to by the Republicans in the House and the Republicans in the Senate and put forward by the Republicans to the President of the United States, who has nominated him.

Typically, Republicans complain that the Democratic nominees prefer too much regulation and too little freedom, while Democrats complain that the Republican nominees prefer too little regulation and too much freedom.

Ultimately both sides bluster and delay a bit, create a little free media attention, and then move the nominees forward. In fact, the Senate has never

voted down another party's FEC nominee in a floor vote or even staged a filibuster on the Senate floor.

At the end of the day, however, the bipartisan nature of the FEC serves the country well. The FEC gets a few commissioners that naturally lean toward regulation and a few commissioners that naturally lean toward constitutionally-protected freedoms. And the country gets a six-member bipartisan Federal Election Commission to walk the critical fine line between regulation and freedom.

The Dean of Stanford Law School, Kathleen Sullivan, has summed up the balance as well as anyone. Specifically, she praised Professor Smith for the instrumental role he would play in upholding constitutional values and establishing a bipartisan equilibrium:

I do think Mr. Smith's views are in the mainstream of constitutional opinion. . . . I think it is a good thing, not a bad thing, to have people who are very attuned to constitutional values in Government positions, just as we would think it is a good thing to have a prosecutor who thinks very highly of the Fourth Amendment and wants to make sure searches are always reasonable, maybe more so than some of his colleagues. It is certainly good to have one of those prosecutors in the shop, and it certainly would be a good thing to have one Commissioner at least who has those views.

Let me say that I sincerely hope that we can uphold this bipartisan law and tradition that President Clinton invoked when he sent these two nominees to the Senate.

After all, Professor Smith's views are similar to the Republicans who have gone before him. And, Commissioner McDonald's views are similar to those he himself has held for the past 18 years as one of the Democrats' commissioners at the FEC. In fact, Commissioner McDonald's views are so consistent with and helpful to the Democratic Party that former Congressman and current Gore campaign chairman Tony Coelho has hailed Commissioner McDonald as ''the best strategic appointment'' the Democrats ever made. So, notwithstanding the bluster and delay, these two nominees largely represent their parties' long line of past FEC Commissioners. One could argue that the only thing new in this debate is the opportunity for new headlines.

Again, let me restate the questions before the Senate on these two FEC nominees?

Is each nominee experienced, principled and ethical?

Will the FEC continue to be a balanced, bipartisan commission?

I dedicate the remainder of my opening comments this morning to reading a few excerpts from the flood of letters I have received in support of Professor Smith since he was nominated. These letters from those who agree and those who disagree with Professor Smith clearly establish that: (1) Professor Smith is experienced, principled and ethical, and (2) his service would help the FEC to be balanced and bipartisan.

Even staunch advocates of reform, including two past board members of Common Cause, have written in support of Professor Smith's nomination. These many letters attest to the central role that Professor Smith's scholarship has played in mainstream thought about campaign finance regulation. Equally important, these letters make clear that no one who knows Brad Smith personally or professionally, including self-avowed reformers, believes that he will fail to enforce the election laws as enacted by Congress or to fulfill his duties in a fair and even-handed manner.

All of the scholars that have written urging the confirmation of Professor Smith believe that his scholarly work is not radical but rather well-grounded in mainstream First Amendment doctrines and case law. Let me share with you a few examples of what these experts say.

I ask unanimous consent the full text of these letters that I am going to be reading be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. First, Professor Daniel Kobil, Capital Law School, Reform Advocate and Past Director of Common Cause, Ohio:

Groups seeking to expand campaign regulations dramatically might have misgivings about Brad's nomination. However, I believe that much of that opposition is based not on what Brad has said or written about campaign finance regulations, but on crude caricatures of his ideas that have been circulated. . . . I think that the FEC and the country in general will benefit from Brad's diligence, expertise, and solid principles if he is confirmed to serve on the Commission.

Second, Professor Larry Sabato, Director of the University of Virginia Center for Governmental Studies, appointed by Senator George Mitchell to the Senate's 1990 Campaign Finance Reform Panel:

Contrary to some of the misinformed commentary about Professor Smith's work and views, his research and opinions in the field of campaign finance are mainstream and completely acceptable. For example, Professor Smith has argued in several of his academic papers for a kind of deregulation of the election rules in exchange for stronger disclosure of political giving and spending. This is precisely what I have written about and supported in a number of publications as well. Bradley certainly supports much of the work of the Federal Election Commission and understands its importance to public confidence in our system of elections. I have been greatly disturbed to see that some are not satisfied to disagree with Professor Smith and make those objections known, but believe it necessary to vilify the professor in an almost McCarthyite way. I do not use that historically hyper-charged word lightly, but it applies in this case. Any academic with a wide ranging portfolio of views on a controversial subject could be similarly tarred by groups on the right or left.

Third, Professor John Copeland Nagle of Notre Dame Law School:

Professor Smith's view is shared by numerous leading academics from across the political and ideological spectrum, including Dean Kathleen Sullivan of the Stanford Law School and Professor Lillian BeVier of the University of Virginia School of Law. His understanding of the First Amendment has been adopted by the courts in sustaining state campaign finance laws.

Fourth, Professor Burt Neuborne of the Brennan Center at New York University. There is no group in America that disagrees more passionately with Professor Smith on campaign finance than the Brennan Center. Yet, listen to what Burt Neuborne, the Legal Director of the Brennan Center had to say about Smith's scholarship.

Neuborne considers Professor Smith's writings to be ''thoughtful discussions of topics of extreme importance'' and concludes that Smith has done ''excellent work in debunking the status quo.'' He goes on to say of Professor Smith's scholarship:

I learned from it and altered aspects of my own approach as a result of his argument. It is, in my opinion, thoughtful scholarship that helps us move toward a better understanding of an immensely important national issue. Higher praise than that I cannot give.

It also speaks well of Professor Smith that constitutional scholars and election law experts that know him personally and are familiar with his work, including some who have served on the board of Common Cause, are confident that he will faithfully enforce the law as enacted by Congress and upheld by the courts. Here are just a few examples of the confidence these experts have in Brad Smith's integrity and commitment to the rule of law.

Fifth, Professor Daniel Lowenstein of UCLA Law School, served six years on Common Cause National Governing Board:

Anyone who compares his writings on campaign finance regulation with mine will find that our views diverge sharply. Despite these differences, I believe Smith is highly qualified to serve on the FEC. . . . Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. He will understand that his job is to enforce the law, even when he does not agree with it. . . . In my opinion, although my views on the subject are not the same as theirs, [the Senate Republican Leadership] deserves considerable credit for having picked a distinguished individual rather than a hack. . . . Although many people, including myself, can find much to disagree with in Bradley Smith's views, I doubt if anyone can credibly deny that he is an individual of high intelligence and energy and unquestioned integrity. When such an individual is nominated for the FEC, he or she should be enthusiastically and quickly confirmed by the Senate.

Sixth, Professor Daniel Kobil of Capital Law School, former governing board member of Common Cause, Ohio:

Knowing Brad personally, I have no doubt that his critics are wrong in suggesting that as a FEC Commissioner, Brad would refuse to enforce federal campaign regulations because he disagrees with them. I have observed Brad's election law class on several occasions and he always took the task of educating his students about the meaning and scope of election laws very seriously. I have never heard him denigrating or advocating skirting state and federal laws, even though he may have personally disagreed with some of those laws. Indeed, several times in class he admonished students who

seemed to be suggesting ignoring what they considered overly harsh election laws. Brad is an ethical attorney who cares deeply about the rule of law. I am confidant that he will fairly administer the laws he is charged with enforcing as a Commissioner.

Seventh, Professor Randy Barnett of Boston University Law School:

I . . . can tell you and your colleagues that [Professor Smith] is a person of the highest character and integrity. If confirmed, Brad will faithfully execute the election laws which the Commission is charged to enforce—including those with which he disagrees . . . . Brad's critics need not fear that he will ignore current law, but those who violate it may have reason to be apprehensive.

Let me close my opening comments by sharing with you Brad Smith's own closing remarks in his statement before the Senate Rules Committee:

[S]hould you confirm my nomination to this seat, which I hope that you will, here is my pledge to you. First, I will defer to Congress to make law, and not seek to usurp that function to the unelected bureaucracy. Second, when the Commission must choose under the law, whether to act or not to act, or how to shape rules necessary for the law's enforcement, faithfulness to congressional intent and the Constitution, as interpreted by the courts, will always be central to my decision making. Third, I will act to enforce the law as it is, even when I disagree with the law. . . . Finally, I pledge that I will strive at all times to maintain the humility that I believe is necessary for any person entrusted with the public welfare to successfully carry out his or her duties.

I think, with all due respect to current and past members of the FEC, this is clearly the most outstanding individual ever nominated for that commission. We all regret that this nomination has taken on some level of controversy because of Professor Smith's views, which are similar to those of 95 percent of the Republicans in the Senate. But that happens occasionally.

I am confident that well-meaning Senators on both sides of the aisle will remember that this is a bipartisan agency. It is supposed to have three Democrats, picked by the Democrats, and three Republicans, picked by the Republicans. It is important for us to honor each others' choices if the FEC is to work. So I am hopeful and confident that Professor Smith's nomination will be confirmed tomorrow when the roll is called.

With that, I yield the floor.

EXHIBIT 1

UNIVERSITY OF CALIFORNIA
SCHOOL OF LAW,
Los Angeles, CA, February 17, 2000.

Re Bradley Smith nomination.

(Attn: Andrew Siff)

Senator MICTH MCCONNELL,
Senate Rules Committee, Senate Office Building, U.S. Senate, Washington, DC

DEAR SENATOR MCCONNELL: I write in support of the nomination of Bradley Smith to serve on the Federal Election Commission. My support is not based on either partisan or ideological grounds. To the contrary, I have been an active Democrat since 1970, whereas, as is well known, Smith's appointment to the FEC was proposed by Republicans. Anyone who compares Smith's writings on campaign finance regulation with mine will find that our views diverge sharply. Despite these differences, I believe Smith is highly qualified to serve on the FEC.

The difficulties that have affected the performance of the FEC since its creation have not been caused by the ideological views of its members, but by excessive partisanship and, sometimes, by mediocrity. Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. He will understand that his job is to enforce the law, even when he does not agree with it.

That the Senate Republican leaders should have proposed an individual who matches their ideological views on campaign finance regulations should not have surprised anyone. Law and custom assume that the members of the FEC will have different partisan and ideological backgrounds. In my opinion, though my views on the subject are not the same as theirs, these leaders deserve considerable credit for having picked a distinguished individual rather than a hack.

That Smith is indeed distinguished can hardly be doubted. He has published numerous articles on campaign finance regulation in distinguished law journals. These articles are widely recognized as leading statements of one of the major positions in the campaign finance debate. In 1995 I published the first American textbook of the twentieth century on election law (Election Law, Carolina Academic Press). Not long after the book was published, Smith published his first major article on campaign finance in the Yale Law Journal. With his permission, I included extended excerpts from that article in the supplements that have been published for my textbook. I certainly would not have done so unless I regarded his article as intellectually distinguished.

It is understandable that in an area such as campaign finance regulation, whose effects are so far-reaching for all competitors in American politics, appointments should be highly contested. However, as I mentioned above, the system contemplates that individuals with different backgrounds and beliefs will serve on the FEC. Although many people, including myself, can find much to disagree with in Bradley Smith's views, I doubt if anyone can credibly deny that he is an individual of high intelligence and energy and unquestioned integrity. When such an individual is nominated for the FEC, he or she should be enthusiastically and quickly confirmed by the Senate. If such an individual is denied confirmation, the result inevitably will be to compound the already prevalent gridlock in this difficult area of public policy.

If I can provide any additional information I should be happy to do so. I can be reached at 310–825–5148, and at <lowenste@mail.law.ucla.edu>

Sincerely,

DANIEL H. LOWENSTEIN,
Professor of Law.

CAPITAL UNIVERSITY
LAW SCHOOL, COLUMBUS OH,
February 15, 2000.

Re nomination of Professor Bradley A. Smith for Commissioner on Federal Election Commission.

Hon. MITCH MCCONNELL,
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing in support of Professor Bradley A. Smith's nomination for a position as a Commissioner on the Federal Election Commission. I have known Brad since he joined the faculty of Capital Law School in the Fall of 1993 as a visiting professor, and have served as the chair of his committee for purposes of considering his tenure and promotion, most recently to Full Professor. He is, in my view, an outstanding candidate for the position and should certainly be confirmed.

As a friend and colleague of Brad's, I am of course aware of the controversy surrounding his nomination to a position on the FEC. Indeed, as a former governing board member for Common Cause, Ohio, I can understand why groups seeking to expand campaign regulations dramatically might have misgivings about Brad's nomination. However, I believe that much of that opposition is based not on what Brad has written or said about campaign finance regulations, but on crude caricatures of his ideas that have been circulated.

Although I do not agree with all of Brad's views on campaign finance regulations, I believe that his scholarly critique of these laws is cogent and largely within the mainstream of current constitutional thought. I have taught Constitutional Law at Capital Law School for nearly thirteen years. I was also counsel for amicus curiae, the ACLU of Ohio, in a significant case dealing with the intersection of the First Amendment and election law, Pestrak v. Ohio Elections Commission, 926 F2d 573 (6th Cir. 1991).

Brad's central premise, that limits on political contributions burden expression and should only be upheld for the most compelling reasons, is hardly radical. It has long been a basic tenet of the Supreme Court's First Amendment jurisprudence that the amount and content of speech cannot be limited except for the most important reasons. Brad's writings do question the Supreme Court's conclusion in Buckley v. Valeo that the government's interest in preventing the appearance of corruption is sufficient to outweigh the burden campaign finance regulations place on speech. However, this critique is not outlandish, but calls attention to the one of the obvious tensions in Buckley that in my view ought to be continuously reexamined by courts and scholars if the basic values underlying the First Amendment are to be adequately protected.

Moreover, having come to knowing Brad personally, I have no doubt that his critics are wrong in suggesting that as a FEC Commissioner, Brad would refuse to enforce federal campaign regulations because he disagrees with the laws. I have observed Brad's Election Law class on several occasions and he always took the task of educating his students about the meaning and scope of election laws very seriously. I have never observed him denigrating or advocating skirting state and federal election laws, even though he may have personally disagreed with some of those laws. Indeed, several times in class he admonished students who seemed to be suggesting ignoring what they considered overly harsh election laws. Brad is an ethical attorney who cares deeply about the rule of law. I am confident that he will fairly administer the laws he is charged with enforcing as a Commissioner.

In conclusion, I think that the FEC and the country in general will benefit from Brad's diligence, expertise, and solid principles if he is confirmed to serve on the Commission. Please contact me if I can provide additional information or assist the Committee in any way regarding Brad's nomination.

Very Truly Yours,

DANIEL T. KOBIL,
Professsor of Law.

UNIVERSITY OF VIRGINIA,
WOODROW WILSON DEPARTMENT,
Charlottesville, VA, March 1, 2000.

Senator MITCH MCCONNELL,
Chairman, Senate Rules Committee, Russell Building, U.S. Senate, Washington, DC.

(Attention Andrew Siff)

DEAR SENATOR MCCONNELL: I am pleased to write this letter in support of Professor Bradley Smith's nomination to the Federal Election Commission. I believe Professor Smith is a solid and informed choice for the vital federal agency at a critical moment in its history. I am pleased to be able to add my voice to many who support Professor Smith.

My own credentials in this field are outlined in the attached vita. I have published several books and many articles in the field, including Pac Power: Inside the World of Political Action Committees, Paying for Elections, and Dirty Little Secrets. In addition, I was honored and privileged to serve on the U.S. Senate's campaign finance reform panel back in 1990, having being jointly appointed by then-majority leader George Mitchell and minority leader Robert J. Dole.

Contrary to some of the misinformed commentary about Professor Smith's work and views, his research and opinions in the field of campaign finance are mainstream and completely acceptable. For example, Professor Smith has argued in several of his academic papers for a kind of deregulation of the election rules in exchange for stronger disclosure of political giving and spending. This is precisely what I have written about and supported in a number of publications as well. Bradley certainly supports much of the work of the Federal Election Commission and understands its importance to public confidence in our system of elections. I have been greatly disturbed to see that some are not satisfied to disagree with Professor Smith and make those objections known, but believe it is necessary to vilify the professor in almost a McCarthyite way. I do not use that historically hyper-charged word lightly, but it applies in this case. Any academic with a wide-ranging portfolio of views on a controversial subject could be similarly tarred by groups on the right or left. I hope and trust that under your able leadership, the Senate Rules Committee will not give in to this kind of vicious sloganeering and character assassination.

I should note that I don't completely agree with Professor Smith's views and opinions in all respects. Even though we have our differences, I fully respect his scholarship and the clear argumentation and documentation that undergirds it. I have not been a long acquaintance of Professor Smith so I cannot be accused of simply backing an old chum! Instead, I am supporting Bradley Smith because he is fully qualified for the Federal Election Commission and I believe that he will do an outstanding job, putting in long hours and thoroughly analyzing the complicated subjects that come before the Commission. I trust him to fulfill his public responsibilities with great care and a determination to be fair and honest. That is all one can reasonably ask from a nominee.

Thank you for permitting me the opportunity to offer these observations. Please let me know if I can be of any additional help as Professor Smith's nomination moves forward, as it should.

With every good wish,

Yours respectfully,

DR. LARRY J. SABATO.
ROBERT KENT GOOCH,
Professor Of Government and Foreign Affairs, and Director of the University of Virginia Center for Governmental Studies.

NOTRE DAME LAW SCHOOL,
Notre Dame, IN, February 18, 2000.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

(Att'n: Andrew Siff)

DEAR SENATOR MCCONNELL: It is my privilege to recommend Bradley A. Smith for appointment to the Federal Election Commission (FEC).

Professor Smith is a leading scholar in election law. His work—which has appeared in such prestigious publications as the Yale Law Journal and the Georgetown Law Journal—is innovative, academically rigorous, and an exciting contribution to the existing literature in the field of campaign finance legislation. He is one of the few scholars who has investigated how campaigns were financed before the second half of the twentieth century, see Bradley A. Smith, Faulty Assumptions and Undemocratic Consequences of Campaign Finance Reform, 105 Yale L.J. 1049, 1053–56 (1996), and his scholarship builds upon the lessons that history teaches. For example, he dispels a common perception by observing that ''the role of the small contributor in financing campaigns . . . has increased, rather than declined, over the years.'' Id. at 1056. He has closely examined the way in which money affects both political campaigns and the legislative process, concluding that the precise relationship between campaign spending and corruption is far more complicated than many commonly assume. See id. at 1057–71; Bradley A. Smith. Money Talks: Speech, Corruption, Equality, and Campaign Finance, 86 GEO.L.J. 45, 58–60 (1997). Yet that is exactly the kind of analysis that should be performed when considering what legal regulation is merited, especially in light of the frequent laments that the federal campaign finance laws enacted in the 1970's have not performed as Congress hoped or expected.

Professor Smith questions the compatibility of campaign restrictions with the first amendment. In doing so, he gives voice to the many organizations across the political and idelolgical spectrum who fear the impact of some of the proposed legal regulation on the ability of citizens and groups of communicate their message to the public. Professor Smith's view is shared by numerous leading academics, again from across the political and ideological spectrum, including Dean Kathleen Sullivan of the Stanford law School and Professor Lillian BeVier of the University of Virginia School of Law. His understanding of the first amendment has been adopted by the courts in sustaining state campaign finance regulations. See Toledo Area AFL–CIO v. Pizza, 154 F.3d 307, 319 (6th Cir. 1998) (quoting Professor Smith's description of the first amendment). But Professor Smith sees the first amendment in an affirmative light rather than a negative one. As he has so eloquently explained:

''By assuring freedom of speech and of the press, the First Amendment allows for exposure of government corruption and improper favors and provides voters with information on sources of financial support. There is no shortage of newspaper articles reporting on candidate spending and campaign contributions, and candidates frequently make such information an issue in campaigns. By keeping the government out of the electoral arena, the First Amendment allows for a full interplay of political ideas and prohibits the type of incumbent self-dealing that has so vexed the reform movement. It allows challengers to raise the funds necessary for a successful campaign and keeps channels of political change open. By prohibiting excessive regulation of political speech and the political process, the First Amendment, properly interpreted, frees individuals wishing to engage in political discourse from the regulation that now restrains grassroots political activity. And because the First Amendment, properly applied to protect contributions and spending, makes no distinctions between the power bases of different political actors, it helps to keep any particular faction or interest from permanently gaining the upper hand. In each respect, it promotes true political equality.''
Smith, 105 YALE L.J AT 1090. This positive explanation far better serves the first amendment than the frightening prospect that the meaning of the Constitution's protections might soon depend upon the perceived majority desire for the stringent regulation of political campaigns. See Nixon v. Shrink Missouri Government PAC, 120 S. Ct. 897 (2000) (Breyer, J., concurring)(suggesting that the Supreme Court's interpretation of the first amendment should change if it ''denies the political branches sufficient leeway to enact comprehensive solutions to the problems posed by campaign finance'').

Yet Professor Smith understands the problems evidence in our current system. He recognizes the need for ''radical'' reform, see Bradley A. Smith, A Most Uncommon Cause: Some Thoughts on Campaign Reform and a Response to Professor Paul, 30 CONN. L. REV. 831, 837 N.37 (1998) , a sympathy that I share. See John Copeland Nagle, The Recusal Alternative to Campaign Finance Reform, 37 HARV. J. LEGIS. (forthcoming February 2000). What impresses me most about Professor Smith is his insistence that the problems evident in our existing system be addressed in a manner that protects constitutional rights. It is far too easy to assume that the first amendment must be discarded when it is inconvenient to adhere to its teachings. Moreover, apart from the commands of the Constitution, Professor Smith has questioned whether the same kinds of proposed solutions that have been tried and failed for nearly thirty years are best suited for the kinds of problems that we face today. Indeed, he has identified a number of unintended effects of the standard restrictions on campaign contributions and expenditures, including the entrenchment of the status quo, the promotion of influence peddling, the favoritism of select elites and special interests, and perhaps most obviously, the encouragement of wealthy candidates. See Smith, 105 YALE L.J. at 1072–84. Instead, Professor Smith had advocated other actions that could be taken to solve the problem, including increased disclosure requirements. See Smith, 45 GEO. L.J. at 62–62. But Professor Smith has clearly stated his preferred remedy: ''I believe strongly that the best solution to any ills in our political system lies in the American voter.'' Smith, 30 CONN. L. REV. at 862. I cannot imagine a more attractive view to be possessed by a member of the Federal Election Commission.

Perhaps most importantly, Professor Smith has displayed a fidelity to the law. His writing about the first amendment shows that the he abides by the Constitution regardless of the consequences. Professor Smith is also faithful to the laws enacted by Congress. He has counseled that both the statues enacted by Congress and the constitutional decisions of the courts are entitled to respect whether or not one agrees or disagrees with them. See Bradley A. Smith, Soft Money, Hard Realities: The Constitutional Prohibition on a Soft Money Ban, 24 J. LEGIS, 170, 200 (1998), In sort, he possesses the ''experience, integrity, impartiality, and good judgment,'' 2 U.S.C. §437c(a)(3), necessary to serve on the FEC.

Please contact me at (219) 631–9407 or at john.c.nagle.8@nd.edu if you have any further questions about Professor Smith's nomination to the FEC. He will be an excellent commissioner.

Sincerely,

JOHN COPELAND NAGLE,
Associate Professor.

BOSTON UNIVERSITY,
SCHOOL OF LAW,
Boston, MA, February 13, 2000.

Senator MITCH MCCONNELL,
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing to strongly urge the Senate to confirm the nomination of Brad Smith as a commissioner on the Federal Communications Commission. I have known Brad well since he was a student at Harvard Law School, and have followed his academic career closely, and can tell you and your colleagues that he is a person of the highest character and integrity. If confirmed, Brad will faithfully execute the election laws which the Commission is charged to enforce—including those with which he disagrees—and he will also take seriously the rights guaranteed by the Constitution.

Though election law is not my specialty, I am generally familiar with Brad's writings in the field and I have written extensively on the Constitution and, in particular, the constitutional protection of liberty. I believe that Brad's positions on federal election laws in general, and campaign finance laws in particular, are far more consonant with the requirements of both the First Amendment and the Supreme Court's first amendment jurisprudence than are the views of his critics. These critics would deny public office to anyone who disagrees with their views of good policy, or to anyone who believes in reforming existing law in a manner with which they disagree.

I share Brad's policy view that the goal of free, fair, and competitive elections would be better served with less rather than more regulation of elections. But I have no doubt whatsoever that he will vigorously enforce current law. Indeed, in recent years, we have seen wholesale and flagrant violations of current election laws which have gone largely unenforced by the FEC and the Justice Department. Brad's critics need not fear that he will ignore current law, but those who violate it may have reason to be apprehensive.

Sincerely,

RANDY E. BARNETT,
Austin B. Fletcher Professor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I begin by thanking the distinguished chairman of the Rules Committee for his leadership and for bringing these matters to the floor. We will have roughly 6 hours of debate on this matter. A number of my colleagues have some very strong views about this nomination and will take the time to express them at the appropriate time.

I begin by apologizing to Danny Lee McDonald, the Democratic nominee for the Federal Election Commission, and his family. I do not have a picture of Danny Lee McDonald. I do not know if he has a dog or not, or two dogs. I will try to correct that before the next 6 hours and see if I can come up with a nice picture of Mr. McDonald to show to our colleagues and the public.

Mr. MCCONNELL. Will my friend yield?

Mr. DODD. I will be happy to yield.

Mr. MCCONNELL. Had Commissioner McDonald been subjected to the same things to which the Republican nominee has been subjected, my colleague might have needed a picture with children and dogs. In any event, we are going to be voting on him as well after we vote on Professor Smith.

Mr. DODD. If he does not have a dog, maybe he can rent one. This is a fine looking dog here. Maybe we can borrow that fine looking red dog for our picture. I apologize to Mr. McDonald, we do not have a similar photograph of him and his family and dog before us.

I want to take our colleagues who are monitoring this back in time for a historical framework before I get to the issue of the nominees before us because it might be helpful for people to understand the legislative background as well as the historical background of these nominees and how the process has proceeded over this past quarter of a century. It has been 25 years since we created these positions. It might be worthwhile to understand how this process has worked and how nominees have historically been handled.

My colleague from Kentucky has already alluded to that in his opening comments. I thought it might be helpful to take a few minutes and give a history lesson about the Federal Election Commission and about the people who have been nominated to fill these positions.

We are here to consider two Presidential nominations. That is the first lesson. We are considering Presidential nominations. The Republican Party may have promoted Brad Smith and the Democrats may have promoted Danny McDonald, but, in fact, these are two nominations that have been sent to us by President Clinton, as every other President has done during the consideration of nominees for the Federal Election Commission.

The two nominees are Danny McDonald of Oklahoma to fill the Democratic seat and Brad Smith of Ohio to fill the Republican seat on the Commission. Rollcall votes, as we know, will be conducted later this week.

It is somewhat unusual, although not unprecedented, for the Senate to take a significant amount of time to debate Presidential nominees to the Federal Election Commission. I know some of my colleagues have planned extensive remarks, and they are not out of order at all in doing that. It has been done on other occasions.

It is even more unusual for the Senate to conduct a rollcall vote, however, on such nominees. It might be instructive to briefly review Senate action of FEC nominees over the past 25 years since the creation of the Commission.

Approximately 43 nominees, including reappointments, have been submitted to the Senate for consideration to this Commission. Of that total, only three nominations have required a rollcall vote by this body in the past quarter of a century. In each of those three instances, the nominees were confirmed by the Senate. The Senate has never voted to reject a nominee to the Federal Election Commission submitted by respective Presidents.

Of the remaining 40 or so nominees, 3 were withdrawn by Presidents for various reasons, 1 was returned to the President without action under rule XXXI of the Senate, 3 were recess appointments, 2 of which were confirmed by the Senate by unanimous consent; and the remainder, some 33 nominees, were all confirmed by unanimous consent without recorded votes in the Senate.

In the last 10 years, pairs of nominees, one Democrat paired with one Republican, have been considered by the Senate Rules Committee, reported to the Senate, and confirmed en bloc by unanimous consent. In the most recent action by the Senate in 1997, four nominees, or two pairs, were considered and confirmed in this manner and confirmed by unanimous consent, again en bloc.

How is it possible so many nominees, to what is considered by some to be a controversial agency, have received the nearly unanimous support of this body throughout the past 25 years? I suggest the answer lies in the very statute that created this Commission.

Chapter 14 of title 2 of the United States Code governs Federal campaigns. Section 437c establishes the Federal Election Commission and provides for the appointment of Commissioners. The statute provides for—and I apologize for going through this laboriously, but it may help to understand the background of all of this—the statute provides for the appointment by the President, with the advice and consent of the Senate, of six members to the Commission. Further, the statute provides that no more than three members of the Commission be affiliated with the same political party; and that members shall serve for 6 years, with the requirement that the initial six members serve staggered terms, with two members not affiliated with the same political party being paired for each of the staggered terms. These requirements were adopted by the Congress in the 1976 amendments to the Federal Election Campaign Act.

The Supreme Court struck down the original membership provision of this act in the landmark case of Buckley v. Valeo. The original provisions of the 1971 act provided that the six members of the Commission be appointed by the President, the President pro tempore of the Senate, and the Speaker of the House, with confirmation by a majority of both Houses of Congress. The Buckley Court struck that process down.

What is obvious, however, is it has always been the intent of Congress that these nominees be appointed with regard to their party affiliation. That part has been quite clear.

Moreover, these nominees are appointed and considered in pairs—one Democratic nominee paired with a Republican nominee —and that is how the Committee on Rules and Administration has also traditionally considered FEC nominees. The committee has similarly paired their consideration so that no hearings are held, nor are the nominees reported, except in strict pairs.

In recent history, the Rules Committee has reported pairs of nominees, voting to report the pair en bloc to the Senate as a full body. That is the case with the two nominees before the Senate today. The Rules Committee held a confirmation hearing in which both nominees appeared, presented testimony, and answered questions of members of the committee. On March 8, the committee, by a voice vote, reported these nominations en bloc to the full body. That is also why the overwhelming majority of these FEC nominees have moved through the Senate over the past 25 years by unanimous consent, often, again, confirmed en bloc.

The statute creates a presumption that the views of each of the two major political parties will be represented by the three members of the Commission. And the practice that has developed that the leadership of the Congress, both Republican and Democratic leadership, communicate to the President their preferences for the nominees.

Presidents have rejected these preferences in the past. I noted that earlier. This practice may be a holdover from the original provisions in which the President of the Senate and the Speaker of the House actually chose the nominees under the 1971 statute. Now the recommendations are made to the President, and the President makes the nomination. He can reject the recommendations, which Presidents have. Ronald Reagan rejected a nominee, and I recall Jimmy Carter also. Others may have a better recollection historically of that.

This practice may be a holdover from the original provisions in which the President pro tempore of the Senate and the Speaker of the House actually chose the nominees. Or it may reflect the reality that such nominees, because they are intended to reflect the relative views of the political parties, must be confirmed by members of those parties in the Senate. In either event, these nominees are accepted as somewhat partisan in their views and consequently are paired in their consideration.

So why does the Senate find itself in the somewhat unusual position of taking the time of the body to fully debate and conduct rollcall votes on these nominees? Not surprisingly, each of these nominees is very closely associated with the majority views of their party on issues of campaign finance reform. Commissioner McDonald has been a member of the FEC since 1982. He is currently Vice Chairman of the Commission. He has been reaffirmed to a seat on the Commission twice since his original appointment. During his tenure, he served as Chairman of the Commission three times, and as Vice Chairman four times.

Professor Bradley Smith is a distinguished professor of law at Capital University Law School in Columbus, OH. He is the author of numerous scholarly articles on campaign finance and his views are well-published and widely known on this subject matter.

In testimony before the Rules Committee, Mr. Smith acknowledged that, notwithstanding the decision of the Supreme Court in Buckley and the long line of cases that follow, he happens to believe the first amendment should be read to prohibit restrictions on campaign contributions.

Mr. Smith has similarly argued that Congress needs to reverse course and loosen campaign finance regulations. He has argued that contrary to the belief of a majority in Congress, and a majority of the American people, that there is too much money in politics today, Mr. Smith argues that money increases speech and therefore we need more speech—and more money, I argue, from his point of view—in our campaigns. He also argues that campaigns funded by small donors are not more democratic and that, in fact, large donors are healthier for the system. Mr. Smith has also argued that the perception that money buys elections is incorrect and that rather than corrupting the system, limiting money corrupts the system by entrenching the status quo, favoring wealthy individuals, and making the electoral process less responsive to public opinion.

Let me categorically state for the record that I could not disagree more with Mr. Smith's positions and his writings when it comes to campaign finance. It is clear to me that money plays far too great a role in campaigns today. I could not disagree more that limits on contributions are not only constitutional but necessary for our form of democracy to survive.

There is no doubt in my mind that money corrupts, or has the appearance of corrupting our system, and this perception threatens to undermine our electoral system and jeopardize the confidence in our form of democracy.

I could not disagree more with Mr. Smith's conclusion that Congress needs to reverse course and loosen campaign finance regulations. It is past time for this Congress to pass comprehensive campaign finance reform, which I have consistently supported and will continue to support.

That is what the debate in the Senate is about today—whether or not this Congress will act on the will of the people and bring this system of campaign finance loopholes and the money chase to a close. My support for such action could not be more clear.

Notwithstanding my strong disagreement with his views, I am not going to oppose this nomination of Mr. Smith for the following reasons: Traditionally, there is a heightened level of deference given to the President's nominees, particularly when the position is designated to be filled by one party. That is particularly the case with nominees to the FEC, who by statute are to be the representatives of their political parties on that commission. Moreover, in performing our constitutional responsibility to provide advice and consent to the President's nominations, the Senate should determine whether a nominee is qualified to hold the office to which he or she has been nominated.

Mr. President, it is clear to me that Mr. Smith is qualified to hold this office. He is clearly intellectually qualified for the position. He is a recognized, although controversial, scholar on election law and the Constitution. He is bright, articulate, and anxious to serve. Again, I could not disagree with him more, but to say he is not qualified to serve is not to have spent time reading his writings or listening to him. You can disagree with him—and I do vehemently—but he is certainly qualified to sit on the FEC. Most importantly, he has appeared before the Senate Rules Committee and testified under oath that if confirmed, he will uphold the Constitution of the United States and the election laws of the land.

During Rules Committee consideration of this nominee, I asked Mr. Smith if, notwithstanding his personal views, was he prepared to enforce the election laws founded on the congressional belief that political contributions can corrupt elections and need to be limited, as allowed by law and the Constitution. Mr. Smith responded that he would ''proudly and without reservations'' take that oath of office.

Finally, this Senate, and the Rules Committee in particular, have an obligation, in my view, to fill vacancies on the Federal Election Commission. Otherwise, we face gridlock and inaction by our agencies. The FEC is simply far too important, in my view, to be hamstrung by refusing to confirm a controversial but otherwise well-qualified nominee.

My vote in favor of this nomination should not be read as an endorsement of his views. Nothing could be further from the truth. It is an endorsement of the process that allows our political parties to choose nominees who hold views consistent with their own. I regret that the majority party here—at least a majority of the majority party—embraces the views they do, and nobody holds them more strongly than my friend and colleague from Kentucky. I think he is dead wrong in his views on these issues, but he represents the views of the majority party on this issue. They have made a choice that Bradley Smith reflects their views well on this issue. Therefore, they have the right, in my view, to have him confirmed to the seat, assuming that he is otherwise qualified to sit on the Commission. I would not vote for him if it

were strictly a case of endorsing his views as opposed to mine. But the FEC has never been a body where that has been a litmus test applied to Presidential nominees.

Whether or not this nominee is confirmed will not determine the real issue for Congress—and that is whether we will pass meaningful campaign finance reform laws to restore the public's faith in our elected system of Government.

The fundamental problem we face is not whether Bradley Smith is on the FEC, but whether or not this body, before we adjourn this Congress, is ever going to address the fundamental campaign laws that some of us would like to see modified, including the McCain-Feingold legislation, which has been before this body in the past.

It is time, in my view, to confirm these nominees to ensure that this agency has a full complement of dedicated, talented Commissioners sworn to uphold the laws on the books.

It is time to get on with the work of the Senate to reform our campaign finance laws and give the FEC the resources it needs —both financially and statutorily—to restore the public's confidence in our electoral system.

I yield the floor at this time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say briefly to the ranking member of the Rules Committee, I listened carefully to his statement. I thank him very much for respecting the process by which we have selected our nominees for the Federal Election Commission. He made it clear that, had the choice been his, he would not have picked Professor Smith. I will make it clear a little later that had the choice been mine, I would not have picked Commissioner McDonald. This is the way the FEC is supposed to work. I thank my colleague for honoring that tradition.

The PRESIDING OFFICER. Under the previous order, the Senate is to recess at 12:30.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized at that point to use such time as I am allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:49 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

Today we are debating a nomination that may be just as important to the cause of campaign finance reform as any bill that has been considered by the Senate in recent years. Tomorrow's vote on the nomination of Brad Smith may be just as significant for campaign finance reform as any of the votes we had on those bills.

The issue here is the nomination of Brad Smith to a 6-year term on the Federal Election Commission, and I oppose that nomination.

Like other speakers, I take note of the photograph of Brad Smith's family shown today on the floor only to make a point that this nomination is certainly not analogous to treatment that has been given to judicial appointments, where we have had to wait for years and years for a confirmation vote. Mr. Smith was just nominated a couple of months ago. So this has not been a long drawn out delay of his nomination that would do harm to him, his family, or anybody else. In fact, I rejected that kind of approach to his nomination because, as far as I know, Professor Smith is a perfectly reasonable man in terms of his integrity and his academic ability and the like. He deserved a vote on the floor and he is going to get it, a lot faster than many judicial nominees that President has sent to us.

The problem is that Professor Smith's views on Federal election laws as expressed in Law Review articles, interviews, op-eds, and speeches over the past half decade are startling. He should not be on the regulatory body charged with enforcing and interpreting those laws.

So when words are used on the floor such as ''vilification,'' or questioning his integrity, or any other excuse not to get to the real issue, I have to strongly object. This debate is simply on the merits of what Professor Smith's views are of what the election laws are or should be.

Over the course of the debate—and I note that a number of my colleagues will be joining me on the floor to set out the case against Professor Smith—we will explain, and I hope convince, our colleagues and the public that this nomination has to be defeated.

Let me again make it clear, because I think there was some attempt to suggest the opposite, that I hold no personal animus towards Professor Smith. It is not a matter of personality. I am sure he is a good person. I do not question his right to criticize the laws from his outside perch as a law professor and commentator. But his views on the very laws he will be called upon to enforce give rise to grave doubt as to whether he can carry out the responsibilities of a Commissioner on the FEC. It just isn't possible for us to ignore the views he has repeatedly and stridently expressed simply because he now says he will faithfully execute the laws if he is confirmed.

We would not accept, nor should we accept, such disclaimers from individuals nominated to head other agencies of government. Sometimes a cliche is the best way to express an idea. Professor Smith on the FEC would really be the classic case of the fox guarding the hen house.

Let me illustrate this by pointing out the views of Bradley Smith that caused me and many others who care about campaign finance reform to have a lot of concern about his being on the FEC.

Professor Smith has been a prolific scholar on the first amendment and the Federal election laws, so there is a rich written record to review. Let's start with one of his most bold statements. In a 1997 opinion in the Wall Street Journal, Professor Smith wrote the following:

> When a law is in need of continual revision to close a series of ever changing ''loopholes,'' it is probably the law and not the people that is in error. The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

That is right. The man who we may be about to confirm for a seat on the Federal Election Commission believes the very laws he is supposed to enforce should be repealed. Thomas Jefferson said we should have a revolution in this country every 20 years. He believed laws should constantly be revised and revisited to make sure they are responsive to the needs of citizens at any given time. Yet Professor Smith sees the need for closing a loophole in the Federal elections laws as evidence that the whole system, the whole idea of campaign finance reform laws, should be completely scrapped. In other words, what would be the purpose of the Federal Elections Commission under his view of the world?

A majority of both the House and the Senate have voted to close the loophole in the law known as soft money. We know that loophole is undermining public confidence in our elections and our legislative process. We have seen that loophole grow until it threatens to swallow the entire system. Many Members think it already has. A majority of the Congress wants to fix that problem. We are willing to legislate to improve an imperfect system. But Brad Smith wants to junk the system entirely and let the big money flow, without limit.

So what are we doing? We are about to put somebody with that view on the body charged with enforcing laws we pass. I don't think this makes any sense.

Another statement by Professor Smith that I think should give us pause, in a policy paper published by the Cato Institute, for whom Professor

Smith has written extensively, he says the following:

The Federal Election Campaign Act and its various State counterparts are profoundly undemocratic and profoundly at odds with the First Amendment.

Of course, this is consistent with his views that the Federal Election Campaign Act should be repealed. The FEC has loopholes and doesn't work. Not only that, it is profoundly undemocratic and profoundly at odds with the first amendment.

How can a member of the FEC, how can Brad Smith, reconcile those views with his new position as one of six individuals responsible for enforcing and implementing the statute and any future reforms that Congress may pass? He has shown such extreme disdain in his writings and public statements for the very law he would be charged to enforce that I just don't think he should be entrusted with this important responsibility.

Let me repeat, this nominee says that the Federal Election Campaign Act is profoundly undemocratic and profoundly at odds with the first amendment. Every bit of it. I am sure this body doesn't agree. Is it profoundly undemocratic to believe that the tobacco companies, the pharmaceutical companies, and the trial lawyers shouldn't be pouring money into campaigns through the parties, while they seek to influence legislation that affects their bottom lines? Is it profoundly undemocratic to believe that $20,000 per year is enough for a wealthy person to be able to contribute to a political party? Is it profoundly undemocratic to argue that the spending of outside groups to attack candidates should be reported? That the public has a right to know the identities and financial backers of groups that run vicious, negative ads against candidates just weeks before an election?

I, for one, take great pride in being a strong defender of the first amendment. I wouldn't vote for a bill that was ''profoundly at odds with the first amendment,'' and I don't think my colleagues, who form a majority of the Senate in support of campaign finance reform, would either. But we are being asked to confirm to a seat on the body that will implement these laws someone who views these laws and our views as totally illegitimate.

Professor Smith does believe, apparently, that disclosure is a good thing, but that is all the regulation he wants to see in our elections.

In another article, Professor Smith writes: I do think that Buckley is probably wrong in allowing contribution limits. He believes and he reaffirmed this belief in the hearings on his nomination held by the Rules Committee that contribution limits are unconstitutional. Professor Smith's view, as quoted by the Columbus Dispatch, is that people should be allowed to spend whatever they want on politics. Whatever they want. He thinks there is no problem with unlimited contributions, none. Congress need not concern itself with that issue at all, apparently. In an interview at MSNBC he said: I think we should deregulate and just let it go. That is how our politics was run for over 100 years.

Think about what this is. We are asking somebody to enforce our election laws who says, literally, ''just let it go.'' That is some enforcement. Professor Smith would have us go back to the late 19th century before Theodore Roosevelt pushed through the 1907 Tillman Act and prohibits corporate contributions to Federal elections.

The limits on contributions from individuals to candidates—the very core of the campaign finance law that the Supreme Court upheld in Buckley v. Valeo and again in Nixon v. Shrink Missouri Government PAC—Brad Smith would junk these provisions along with the very statute that created the FEC, the body on which he now seeks to serve.

Professor Smith thinks that contribution limits are expendable because, in his view, the concerns about corruption are just overblown.

Let's look at what Mr. Smith has to say about that: He wrote in a 1997 law review article:

Whatever the particulars of reform proposals, it is increasingly clear that reformers have overstated the government interest in the anticorruption rationale. Money's alleged corrupting influence are far from proven.

Well it just so happens, Mr. President, that the U.S. Supreme Court doesn't agree. Just a few months ago, the Supreme Court issued a ringing reaffirmation of the core holding of the Buckley decision that forms the basis for the reform effort. The Court once again held that Congress has the constitutional power to limit contributions to political campaigns in order to protect the integrity of the political process from corruption or the appearance of corruption. In upholding contribution limits imposed by the Missouri Legislature, Justice Souter wrote for the Court:

[T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

Mr. Smith thinks the dangers of corruption are overblown. The Supreme Court says they are obvious. Professor Smith's disdain for campaign finance reform is so great that he won't even admit the most basic fact about our political life. That at some point, in some amount, contributions can corrupt. Or at least they look like they corrupt, which the Supreme Court recognized is just as good a reason to limit contributions to politicians. The appearance of corruption, Mr. President. We all know it's there. We hear it from our constituents regularly. We see it in the press, we hear about it on the news. But Brad Smith says the corrupting effect of money on the legislative process is far from proven.

Back home if I said that at any town meeting that is a laugh line. Americans scoff at the notion that big money is not corrupting our system.

The Supreme Court held, and by the way, this wasn't a narrowly divided Supreme Court decision in the Shrink Missouri case. This was a 6–3 decision, with a majority containing four Justices appointed by Republican Presidents including Chief Justice Rehnquist. The Supreme Court held as follows:

Buckley demonstrates that the dangers or large, corrupt contributions and the suspicion that large contributions are corrupt are neither novel nor implausible. The opinion noted that the deeply disturbing examples surfacing after the 1972 election demonstrate that the problem of corruption is not an illusory one.

''The problem of corruption is not an illusory one,'' said the Court. The Supreme Court got it 25 years ago. Brad Smith still doesn't believe it. Professor Smith says: ''Money's alleged corrupting influence are far from proven.'' That's what this debate is all about, Mr. President. If someone can't even see the danger in unlimited contributions, how can he adequately fulfill his duties as an FEC commissioner?

The campaign finance laws are not undemocratic. They are not unconstitutional. They are essential to the functioning of our democratic process and to the faith of the people in their government. As the Supreme Court said in the Shrink Missouri case:

Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works 'only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption.

Now, in the wake of that clear declaration by the Court, how can Bradley Smith continue to rationalize the gutting of the Federal Election Campaign Act? And how can we allow him the chance to carry it out as a member of the FEC?

We need FEC Commissioners who understand and accept the simple and basic precepts about the influence of money on our political system that the Court reemphasized in the Shrink Missouri case. We need FEC Commissioners who believe in the laws they are sworn to uphold. We need FEC Commissioners who will be vigilant for efforts to evade the law, to avoid the clear will of the Congress. We need FEC Commissioners who will be alert to the development of new and more clever loopholes, tricks by candidates or parties or advocacy groups to avoid constitutionally valid limits on their activities or requirements that they operate in the light of day. We do not need FEC Commissioners who have an ideological agenda contrary to the core rationale of the laws they must administer.

As any American who has been watching ''The West Wing'' in recent

weeks knows, nominees to the FEC come in pairs, one Democratic, one Republican. And the members of the Commission by tradition are suggested by the congressional leadership to the President. Now it would be a pipe dream to think that the President would actually nominate two Commissioners at once who favor campaign finance reform, as has happened on TV. No, for reality to imitate art to that extent that would be too much to hope for. But at least we shouldn't put the foremost academic critic of the election laws on the Commission. Surely the Republican leadership can suggest another qualified individual for this post who doesn't believe the election laws should be repealed.

We all know this nomination was made as part of an agreement to get a vote on the confirmation of another presidential nominee last year. I am sorry that the Senate's great responsibility to advise and consent to nominations has become a game of political horse trading. In the end, I think the country suffers when these kind of games are played, but I know it goes on, and I did not stand in the way of this most recent agreement to bring Mr. Smith to a vote as part of a larger package of nominations. But we still have a duty of advise and consent on each nomination, and I ask my colleagues to take a very hard look at this particular nomination and after doing so I hope you come to the conclusion to vote no.

The public is entitled to FEC Commissioners who they can be confident will not work to gut the efforts of Congress to provide fair and democratic rules to govern our political campaigns. The time has come for the Senate to say no. The nomination of Brad Smith should not be approved.

I reserve the remainder of my time and I yield the floor.

Mr. WELLSTONE. Mr. President, I rise today to join my colleague, Senator FEINGOLD, and strongly oppose the nomination of Bradley A. Smith to the Federal Election Commission. Mr. Smith has no confidence in federal election law, indeed he believes it to be ''undemocratic'' and ''unconstitutional.'' As a member of the FEC he will have the opportunity to put those views into practice and actually shape election law through rulemaking. But worst of all, Mr. Smith doesn't just disagree with the law, he disagrees with the express purpose of the law—limiting the corrupting influence of money in politic. An FEC nominee who's own personal beliefs and philosophies are so at odds with the purposes and authority of the Federal Election Campaign Act should be rejected by a pro-reform Congress.

I oppose the Smith nomination not only because his philosophies are antithetical to present law, but because I believe they are antithetical to broad political participation, to lowering the price of access to the legislative process, restoring Americans faith in our system, and they are antithetical to everything that is necessary for a functioning democracy.

But before I make my case that the Senate should reject this nomination, let me say this. I have met Mr. Smith and found him to be an earnest and learned advocate of his point of view. I have no reason to question Mr. Smith's honor or his intentions and even his harshest critics do not make the claim that Mr. Smith does not have a strong technical understanding of the law. He seems to be a good guy, so this is not personal and I hope that he does not take my criticisms personally. But I do feel that given Mr. Smith's views, he is a poor fit for this job.

Mr. Smith is a very vocal and articulate critic of current election law—to say nothing of the various reform proposals introduced by members of this body. In fact, Mr. Smith is widely regarded as one of the foremost critics of the current campaign finance system. He has written numerous articles on the subject, he has frequently appeared before Congressional Committees, sat on panels and has appeared on television. Throughout the body of his writings and public appearances he has been consistent: He believes the Federal Election Campaign Act is unworkable, unconstitutional, and undemocratic.

Mr Smith takes the argument one step further: he is an aggressive proponent of near complete deregulation of the campaign finance system and believes that nearly any attempts to regulate the relationship between money and elections is folly. For example, in a 1997 Georgetown Law review article Mr. Smith states quote:

> I have previously argued at length that campaign finance regulation generally makes for bad public policy. Campaign finance regulation tends to reduce the flow of information to the public, to favor select elites, to hinder grass roots political activity, to favor special interests, to promote influence peddling, and to entrench incumbents in office.

I don't want to belabor this point. Other colleagues are speaking to this issue and in all honesty it's the least of my objections to the nomination. But in all I would simply say this to my colleagues: I cannot remember a time when this body confirmed a nominee—for any executive position—who's own views were so completely at odds with the law he was meant to uphold. Mr. Smith claims that his own strong opinions notwithstanding he can and will enforce the law. Still, I don't see how he can be true to both the law and his convictions. He will be responsible for administering a law that in his view that pose a threat to ''political liberty.'' He will be appointed to perpetuate a system that he feels was made ''more corrupt and unequal'' by the Federal Elections Campaign Act. Speaking for myself, I would not want to be charged with enforcing a law that is antithetical to everything I know about politics, democracy, and good government—as Smith feels about current law. But the Senate is being asked to confirm a nominee with just that perspective.

If the FEC were simply an empty vessel, mindlessly executing the will of the Congress as stated in the Federal Election Campaign Act, Mr. Smith's extreme views would be trouble enough. But that isn't how the system works. And, in fact, the FEC has considerable leeway in interpreting FECA when it issues rules. The following are three examples of how a person with Smith's attitudes about the law could do a lot of damage to the integrity of the system of regulations that govern election spending:

No. 1. Redefining ''coordination''—Under current law, contributions to candidates are limited, but independent spending is unlimited. In order to avoid evasion of the contribution limits, the law specifies that any spending that is done in coordination with a candidate counts as a contribution to the campaign. However, the FEC currently is considering a proposed rulemaking that would define ''coordination'' so narrowly as to make it meaningless. Under the proposed rule, there would be no coordination unless the FEC could prove that a candidate specifically requested an expenditure, actually exercised control over the expenditure, or reached an actual agreement with the candidate concerning the expenditure. This rulemaking, if approved, would open a massive loophole that would enable a spender to maintain high level contacts with a campaign and still claim to be acting independently. This is a prime example of how a Commissioner can eviscerate the law while claiming to enforce it.

No. 2. Neglecting to close the ''soft money'' loophole—Soft money—which the Senate has spent years trying to ban—was basically ''created'' by an FEC interpretation of the law. Recently, a complaint filed by five members of Congress and a separate complaint filed by President Clinton have urged the FEC to close the ''soft money'' loophole administratively. The FEC's Office of General Counsel has submitted a notice of proposed rulemaking which outlines the steps that the Commission can take to close the ''soft money'' loophole if it so chooses. Brad Smith's view that it is unconstitutional to prohibit ''soft money'' makes it likely that he would reject a recommendation from the General Counsel to close the ''soft money'' loophole.

No. 3. Regulation of election-related activity over the internet—The FEC is currently considering the whole range of issues raised by the use of the internet to conduct political activity. This is a largely uncharted area, and the current and future FEC Commissioners will play an important role in determining how internet communications will be treated under the law. Brad Smith's view that the federal government should scrap all of its campaign

finance reform efforts can be expected to strongly color his policy judgment about what regulations the FEC ultimately should issue in this area of the law.

I want my colleagues to be clear on this point: This nominee is no empty vessel. He will have the opportunity to actually shape election law through rulemaking—colleagues shouldn't kid themselves that FEC commissioners can just ''follow the law'' and that their personal biases don't matter. An anti-campaign finance law Commission, can promote anti-campaign finance law rules.

Mr. President, I do want to take some time to get to the heart of my objection to the Smith nomination: He doesn't just disagree with the law, he disagrees with the express purpose of the law. The express purpose of the Federal Election Campaign Act is to limit the disproportionate influence of wealthy individuals and special interest groups on the outcome of federal elections; regulate spending in campaigns for federal office; and deter abuses by mandating public disclosure of campaign finances. Mr. Smith doesn't just quibble with how the law achieves those goals, he disagrees with those goals completely! Mr. Smith believes that money—regardless of how much or where it comes from—has no corrupting or disenfranchising influence on elections.

For example lets look at what Smith wrote on the effect of money on how the Congress conducts its business, on what gets considered and what doesn't, on who has power and who does not. This is from ''The Sirens' Song: Campaign Finance Regulation and the First Amendment.'' Smith argues:

> If campaign contributions have any meaningful effect on legislative voting behavior, it appears to be on a limited number of votes that are generally related to technical issues arousing little public interest. On such issues, prior contributions may provide the contributor with access to the legislator of legislative staff. The contributor may then be able to shape legislation to the extent that such efforts are not incompatible with the dominant legislative motives of ideology, party affiliation and agenda, and constituent views. Whether the influence of campaign contributions on these limited issues is good or bad depends on one's views of the legislation. The exclusion of knowledgeable contributors from the legislative process can just as easily lead to poor legislation with unintended consequences as their inclusion. But in any case, it must be stressed that such votes are few.

Let me explain what I find so chilling about this statement. It would be one thing if Mr. Smith argued that money had no effect on policy. That regardless of the endless anecdotes and personal testimonials of members of Congress past and present, that having lots of money on your side buys you no extra influence in Congress. Some members of this body take that position. I think it's wrong, I think it's naive, I think the American people see through it. In other words, it would be bad enough if that was Smith's view. But isn't. He asserts that money plays a role but only on ''technical issues that arouse little public interest''—but worse, doesn't seem to be concerned about it!

It does not appear to matter to Brad Smith that money affects the process on those issues that outside of the public attention! Well with all due respect, most of what we do takes place below the surface here! We pass bills with scores of obscure provisions, hundred of pages long. No one knows what they all do, we can't know. We vote on them without knowing. It is there that the system is most ripe for abuse, where the greatest potential exists for those with the money, the clout, the access to game the system, but Mr. Smith isn't much worried about it.

I agree with Smith that it is the small, stealth provisions which are most likely to appear or disappear because of money. But where I strongly disagree with Smith is that I believe that this is a problem. It should be aberrational, not typical. I think it's outrageous that because a person is in a position to donate $200,000 to the NRSC or the DSCC that person is in a position to dictate policy—regardless of how obscure. I think it's wrong that a line in a bill can be bought and paid for with a campaign contribution. I think it's wrong that a patent extension or favorable tariff treatment is up for sale. Because the matters are obscure, they are even more ripe for abuse. I won't speak for my colleagues, but I'd like the Commissioners on the FEC to be concerned with these abuses.

For example, I point my colleagues to an excellent article in the February 7 issue of Time magazine entitled ''How to Become a Top Banana'' by Donald Barlett and James Steele. This article details how it came to pass that the U.S. government imposed 100% tariffs on obscure European imports in an ongoing attempt to force the European Union to allow market access for Chiquita Bananas. As the article notes, the U.S. Trade Representative imposed tariff rates on products essential to the economic health of several U.S. small businesses to promote the interests of a firm who does not even grow its bananas in the United States. As it turns out, campaign contributions may have played a big role. The article concludes:

> So what does the battlefield look like as the Great Banana War's tariffs approach their first anniversary? Well, the operators of some small businesses, like Reinert, are limping along from month to month. Other small-business people are filing fraudulent Customs documents to escape payment. Other businesses are doing just fine because their suppliers in Europe agreed to pick up the tariff or it applies to just a small percentage of the goods they sell. In Europe as in America, small businesses have been harmed by the U.S. tariffs. Larger companies have been mostly unaffected. And the European Union has kept in place its system of quotas and licenses to limit Chiquita bananas. Who, then, is the winner in this war?
>
> That's easy. It's the President, many members of Congress and the Democratic and Republican parties—all of whom have milked the war for millions of dollars in campaign contributions—along with the lobbyists who abetted the process. A final note. While Lindner (owner of Chiquita banana) had many areas of political interest beyond his battle with the European Union, a partial accounting of the flow of his dollars during the Great Banana War—as measured by contributions of $1,000 or more—as well as lobbying expenditures on the war, shows: Republicans—$4.2 million, Democrats—$1.4 million Washington lobbyists—$1.5 million.

Just look at the bankruptcy bills passed by the House and the Senate. I'm told Committee staff refer to the provisions based on which industry ''paid'' for them. This provision is for the credit card companies, this one for the real estate industry, and so on it goes. As the Wall Street Journal noted on April 20 in an article entitled ''Bankruptcy Reform Pits Industries Against Each Other'':

> Lawmakers like to portray the battle over bankruptcy reform as a clash of principles: stopping debtors from shirking their obligations or creditors from fleecing the needy. But in the back rooms of Capital Hill, the nature of the fight changes. Industry lobbyists, many ostensibly allied in favor of bankruptcy overhaul legislation, vie to carve out as many favors for their clients as possible at the expense other business groups. These contests pit auto companies against credit card issuers, retailers against Realtors and the Delaware bar against lawyers from the rest of the U.S.

Again, the major political parties seem to be the major winners in all of this (well, aside from the lenders)—and certainly not low and moderate income debtors. Contributions from the lending industry to both parties since 1997 tops $20 million.

But that doesn't much concern Mr. Smith, the man who would be in charge of enforcing our campaign finance laws.

Smith even argues even more explicitly that tying legislation to campaign contributions is not necessarily a bad thing. Or at least that being attentive to campaign contribution will make politicians more attentive to the public. He argues in ''A Most Uncommon Cause'':

> What reformers mean by corruption is that legislators react to the wishes of certain constituents, or what, in other circumstances, might be called 'responsiveness.' The reformist position is that legislators shape their votes and other activities based on campaign contributions. They call this corruption. Money dominates the policy making process, they argue, unfairly frustrating the popular will. . . . For one this, it is proper, to some extent, for a legislator to vote in ways that will please constituents, which may, from the legislators viewpoint, have the beneficial effect of making those constituents more likely to donate to the legislators re-election campaign.''

But who does it make them more attentive to? The wealthy, the heavier hitters, the tiny proportion of the population who can make substantial contributions to candidates. Again, the fact that Smith admits this is the case is not surprising. Many critics of private money in politics draw the same conclusion. What colleagues should find outrageous is that Smith, again,

sees nothing wrong with this relationship.

It is the money in politics which has stripped away from many Americans the capacity to have one's vote weigh as much as the person in the next polling booth, to have a vote in the South Central, LA to be worth as much as a vote in Beverly Hills. The vote is undermined by the dollar. The vote may be equally distributed, but dollars are not. As long as elections are privately financed, those who can afford to give more will always have a leg up—in supporting candidates, in running for office themselves, and in gaining access and influence with those who get elected. We all know this is the way it works. And the American people know it, too.

Bizarrely, though, Smith argues that wealth, and therefore the ability to affect elections is distributed equitably enough through out our society that the inordinate influence of money is not inordinately concentrated among a small subset of the population. In a 1997 piece entitled ''Money Talks: Speech, Equality, and Campaign Finance'' Smith states:

> Very few citizens have the talent, physical and personal attributes, luck of time and place, or wealth to influence political affairs substantially. Thus a relatively small number of individuals will always have political influence far exceeding that of their neighbors. However, to the extent that wealth (however that might be defined) than there are citizens capable of running a political campaign, producing quality political advertising, writing newspaper editorials, coaching voice, and so on. In other words, it may be true that more people are ''good looking'' than rich, it may be true that more people are ''educated'' than rich. However, the number of people capable of meaningful nonmonetary contributions to a political campaign—that is the type of contribution that will give the individual some extra say in policy-making—is much smaller than the group of monied people.

I frankly think this argument is ridiculous and insulting. It suggests that if you're not a $500 an hour consultant telling the candidate to wear earth tones, if you're not a big name pollster you can't make a meaningful nonmonetary contribution to a political campaign. No one who has actually run for office would hold this view. Taken to a logical extreme its effect would be to limit participation by those other than the monied elite—the hundred of folks who volunteer at a phone bank, put up yard signs, or write letters to the editor. My point is that almost everyone has something to offer regardless of how wealthy they are.

But there is a larger point here; the fact that Brad Smith believes that there are more people in America capable of donating $1000 than there are people who can take a few afternoons to lick envelopes. I'm not sure where Smith comes by this view but it obviously falls on its face.

Of course, it does explain where Smith is coming from. I mean, if you believe that money is speech and that campaign contributions profoundly impacts the legislative process, you are one of two things: You are either a defender of a political oligarchy of the wealthy and well-heeled or you believe that this money, this power, is distributed equally throughout society. To be fair to Smith, he genuinely seems to hold the latter view. But while this might be a less cynical reason to be comfortable with money influencing politics, he's still flat out wrong. In fact, he has it completely backward.

The picture of those who contribute the vast majority of money to candidates under the current contribution limits does not look like America, it is overwhelmingly white, male, and wealthy. A study conducted of donors in the '96 election found the following characteristics of such donors: 95 percent were white, 80 percent were male, 50 percent were over 60 years of age and 81 percent had annual incomes of over $100,000. The population at large in the United States had the following characteristics at that time: 17 percent was non-white, 51 percent were women, 12.8 percent were over 60, and only 4.8 percent had incomes over $100,000.

For example, the organization Public Campaign found that during the 1996 elections, just one zip code—10021, in New York City—contributed $9.3 million. There are only 107,000 people in that exclusive slice of Manhattan real estate and the vast majority (91 percent) are white. On the other side of the lop-sided equation are 9.5 million residents of the 483 U.S. communities that are more than 90 percent people of color. They gave $5.5 million. Are these groups equal before the law?

Additionally, Only a spectacularly small portion of U.S. citizens contribute more than $200 to political campaigns. In the first half of 1999:

> Only 4 out of every 10,000 Americans (.037%) has made a contribution greater than $200.
>
> As of June 30, 1999 only .022% of all Americans had given $1000 to a presidential candidate.
>
> In the '98 election, .06% of all Americans gave $1000, or 1 in 5000.

So again, Smith has the argument precisely backward, because so few can effectively participate through campaign contributions it is inherently unequal means of political participation. The fact that a few actors—big corporations, Unions, the truly wealthy—have nearly limitless funds to pour into races exacerbates the disparity between the average citizen and the monied citizen. But other means of political participation are inherently limited—no matter who you are, there are still no more than 24 hours in a day or seven days in a week—do no one has that much of an advantage.

But Smith goes further than simply arguing that campaign contributions can buy legislative favors, he argues in ''Money Talks'' that money is speech—not in the sense that it buys speech or allows for getting out the candidates message—but in the sense that making a campaign contribution is an act of symbolic, political speech in of itself. This argument, I should point out to colleagues, goes way beyond the Supreme Court's linkage between speech and money in Buckley. Smith argues:

> The Court's rationale that contribution limits only ''marginally'' burden First amendment rights is suspect on its own and at odds with the traditional First Amendment right of association. The Court was correct that the size of a contribution does not express the underlying basis of support, but wrong when it held that it involved ''little direct restraint on political communication.'' Is not a substantially different message communicated when a local merchant pledges $10,000 to one charity (or political campaign) and just $25 to another? In such an instance, is it not the size of the donation, rather than the act of donating, that sends the strongest message to the community? It is true that the basis of support for the cause (or candidate) remains vague, yet the message in each gift is substantially different.

Combined with the fact that only a tiny percentage of voting citizens are making large hard money contributions (much less truly massive soft money contributions) Smith is advocating for a system where much political speech is effectively closed to most Americans because they can't muster the means to make a send a loud ''message.''

If money equals speech, we can clearly see who we are letting do all the talking—or at least those are the folks that we're listening to. The hopes, dreams, concerns, and problems of the vast majority of the American people are going unheard because the bullhorn of the $1,000 contribution drowns them out. Why would be want to make that bullhorn bigger and louder? Why would we want to give greater access and more control to those who already have it locked up? But that is the direction that this FEC nominee would see us go in.

Like Smith, I too am a critic of our mechanism for financing of elections. This current system of funding congressional campaigns is inherently anti-democratic and unfair. It creates untenable conflicts of interests and screens out many good candidates. By favoring the deep pockets of special interest groups, it tilts the playing field in a way that sidelines the vast majority of Americans. But unlike Smith, I support reforms that would expand political participation. Unlike Smith I have no illusions that inequities in wealth—in a system where wealth rules—do not result in a distorted product.

In 1966 in the case of Harper versus Virginia State Board of Elections, the Supreme Court struck down a poll tax of $1.50 in Virginia state elections. The Court stated in its decision that, quote, the ''State violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth.''

In 1972 in Bullock versus Carter, the Court again faced the issue of wealth in

the electoral process and again stated that such a barrier was unconstitutional. This time, the question concerned a system of high filing fees that the state of Texas required candidates to pay, in order to appear on the primary ballot. The fees ranged from $150 to $8,900.

The Court invalidated the system on Equal Protection grounds. It found that, with the high filing fees, quote: ''potential office seekers lacking both personal wealth and affluent backers are in every practical sense precluded from seeking the nomination of their chosen party, no matter how qualified they might be and no matter how enthusiastic their popular support.''

The ''exclusionary character'' of the system also violated the constitutional rights of non-affluent voters. ''We would ignore reality,'' the Court stated, ''were we not to find that this system falls with unequal weight on voters, as well as candidates, according to their economic status.'' unquote. These cases may have no literal legal implications for our system, where deep pockets—either one's own or one's political friends—are a prerequisite for success. But they do have a moral implication.

I do believe that in America's elections today we have a wealth primary, a barrier to participation to those who are not themselves wealthy or who refuse to buy in to monied interests. Is it an absolute barrier? No. Does it mean that every candidate for federal office is corrupt? No. However, the price we pay is what the economists would call the ''opportunity cost.'' It is a cost represented by lost opportunities, by settling for those who are most electable rather than those who are the best representatives of the American people. And I do not believe that in a system where money equals power, inequality of wealth can be reconciled with equality of participation.

That, I say to my colleagues, is why I cannot support Mr. Smith's nomination. And it isn't that he is a critic of the present system. Indeed I agree with Smith that fixing the system is not fundamentally an issue of tightening already existing campaign financing laws, no longer a question of what's legal and what's illegal. The real problem is that most of what's wrong with the current system is perfectly legal.

Many people believe our political system is corrupted by special interest money. I agree with them. It is not a matter of individual corruption. I think it is probably extremely rare that a particular contribution causes a member to cast a particular vote. But the special interest money is always there, and I believe that we do suffer under what I have repeatedly called a systemic corruption. Unfortunately, this is no longer a shocking announcement, even if it is a shocking fact. Money does shape what is considered do-able and realistic here in Washington. It does buy access. We have both the appearance and the reality of systemic corruption.

I wonder if anyone would bother to argue that the way we are moving toward a balanced federal budget is unaffected by the connection of big special-interest money to politics? The cuts we are imposing most deeply affect those who are least well off. That is well-documented. The tax breaks we offer benefit not only the most affluent as a group, but numerous very narrow wealthy special interests. Does anyone wonder why we retain massive subsidies and tax expenditures for oil and pharmaceutical companies? What about tobacco? Are they curious why we promote a health care system dominated by insurance companies? Or why we promote a version of ''free trade'' which disregards the need for fair labor and environmental standards, for democracy and human rights, and for lifting the standard of living of American workers, as well as workers in the countries we trade with? How is it that we pass major legislation that directly promotes the concentration of ownership and power in the telecommunications industry, in the agriculture and food business, and in banking and securities? For the American people, how this happens, I think, is no mystery.

For this reason, I support public financing of elections. It is a matter of common sense, not to mention plain observation, that to whatever extent campaigns are financed with private money, people with more of it have an advantage and people with less of it are disadvantaged.

I think most citizens believe there is a connection between big special interest money and outcomes in American politics. People realize what is ''on the table'' or what is considered realistic here in Washington often has much to do with the flow of money to parties and to candidates. We must act to change this, but a vote for Smith is to move the FEC, and the debate over campaign finance reform, in the opposite direction.

Despite his obvious command of the law, Brad Smith has shown himself through his writings to be completely insensitive to the realities of political participation in America. He is smart enough to know better. The Senate should send a message that it is smart enough to know better too. I urge a no vote.

Recently, a complaint was filed by five Members of Congress and a separate complaint filed by President Clinton which urged the FEC to close the soft money loophole. Brad Smith's view that it is unconstitutional to prohibit soft money makes it likely he will reject any recommendation from general counsel to close the soft money loophole.

Regulation of election-related activity on the Internet—the FEC is looking at a whole range of issues that are based upon or deal with the use of the Internet to conduct political activities. Again, I do not know the potential for all the abuses and the ways in which people can attack and people can raise money for the attack and what they can do on the Internet. I do know Brad Smith's view that the Federal Government should scrap all of its campaign finance reform efforts can be expected to strongly color his policy judgment about what regulations the FEC ultimately should issue in this area of law.

For other colleagues who are thinking of coming to the floor, I will not take a lot more time. I will reserve the remainder of my time. I want to put forth a couple of points.

First of all, Senator FEINGOLD and I have been in opposition. We were part of an agreement this nomination would come to the floor, but that has to do also with the ability to get a number of judges considered. We certainly need to start voting on judges.

I do not believe, I say to my colleagues, that these votes are independent of one another. I do not think colleagues ought to be voting for Brad Smith, the argument being that only if he is so confirmed will judges pass. I do not believe that is part of any formal agreement, and it should not be a part of any informal agreement. We ought to vote on these candidates on the basis of their qualifications. We ought to be voting on them on the basis of what it is we ask them to do in Government.

While I respect Brad Smith's intellectual ability and while I like him as a person—and I am not just saying that—I believe it would be a terrible mistake for the Senate to confirm him. It sends a terrible message of our viewpoint of the mix of money in politics and whether or not we are serious about any reform.

In many ways, this is the core problem—the mix of money in politics. I believe we have moved dangerously close to a system of democracy for the few. Money has hijacked politics in this country. It is no wonder we see a decline in the participation of people in public life and politics. Most people believe money dominates politics, and it does.

I am in disagreement with Brad Smith. Money—other Senators can come to the floor and disagree and debate—determines all too often who gets to run. All too often it determines who wins the election or who loses the election. All too often it determines what issues we even put on the table and consider. All too often it determines the outcome of specific votes on amendments or bills. All too often on a lot of the details of legislation, special interests are able to get their way. All too often it is on the basis of some people, some organizations, some groups having way too much wealth and power and the majority of the people left out.

It is incredible to me. We have all become so used to this system that we have forgotten the ways in which it can be so corrupting, not in terms of individual Senators doing wrong because someone offers them a contribution and, therefore, a Senator votes

this way or that way. I do not think that happens. I hope it does not happen. I pray it does not happen.

I will say this. We have the worst kind of corruption of all. It is systemic, and it is an imbalance between those people who have all the financial resources and the majority of people in the country who do not. It is when too few of those people have way too much of the power and the majority of the people feel left out. When that happens, there is such an imbalance of access, influence, say, and power in the country that the basic standard in a democracy that each person should count as one, and no more than one, is seriously violated.

It is interesting, I point out for colleagues, in the first half of 1999, just looking at the contributions, only 4 out of every 10,000 Americans, .03 percent, made a contribution greater than $200. As of June 30, 1999, .022 percent of all Americans had given $1,000 to a Presidential candidate. In the 1998 election, .06 percent of all Americans gave $1,000, and that was 1 in 5,000.

This does not even take into account all the soft money contributions. This does not take into account the $500,000 and the $1 million contributions. What happens is that the vast majority of people in the country—I am sorry, not just poor people who do not have financial resources—the vast majority of people in the United States of America believe their concerns—for themselves, their families, and their communities—are of little concern in the corridors of power in Washington, DC, where they see a political system and a politics dominated by big money and, therefore, really believe they are shut out. We have given them entirely too much justification for that point of view.

I do not see how in the world we can vote for Brad Smith, given how clear he is in his opposition to reform. Given the positions he has taken which go in the exact opposite direction of believing that money in any way, shape, or form can be corrupting of this political system and corrupting of democracy, we send a terrible message to people in this country if we vote for this nominee.

Again, I am not all that excited about coming here and making these arguments, especially when it is about an individual person. I am not talking about Brad Smith; I am talking about his viewpoint. I think he is wrong. I would love to be in a debate with him. I probably would have a tough time in a debate with him. He has a tremendous amount of ability. It would be a fun debate. I would enjoy it.

The point is, you can respect someone; you can say you would love to debate somebody; you appreciate their writing; you appreciate the speech they have given; you appreciate the lecture they have given—I was a college professor—but to see them on the Federal Election Commission is a different story when he is asked to implement the very laws he says he does not believe in, when he is asked to be there to make decisions—FEC is not an empty vessel, and he certainly is not an empty vessel—where key decisions are going to be made about coordination, soft money, and a whole set of issues that are dramatically important to whether we have a democracy or not.

I cannot vote for him. I believe Senators should oppose this nomination. I do not know what the final vote will be. Maybe there will be a majority vote for him, maybe there will not. His nomination is put forth at precisely the wrong time in the history of American politics in the country.

I say that because I believe people in this country yearn for change. Senator MCCAIN is on the floor. He will be speaking later. His campaign certainly tapped into that. His campaign brought that out in people. That is but one powerful example.

People would love to have a Government they believe is their Government. They would love to have a Senate and a House of Representatives they believe belong to them. People right now—I have said it before in the Senate—believe that if you pay, you play, and if you don't pay, you don't play.

Above and beyond this debate, I want us to get to the point where we make some significant change. What is at stake on this whole reform question is basically whether or not we will continue to have a vibrant representative democracy. If your standard is that each person should count for no more than one, we have moved so far away from that standard, it is frightening.

This may be a terrible thing to say on the floor of the Senate because I love being a Senator. I will thank Minnesota for the rest of my life for giving me this chance. In many ways I think we have a pseudodemocracy, a minidemocracy. We have participation, we have government of, by and for maybe about 20 percent or less of the people.

There are many things that need to be done which can lead to democratic renewal. One of them is to get serious about the ways in which money has come to dominate politics, the ways in which we now have the most severe imbalance of power we could imagine, which is dangerous to the very idea of representative democracy.

I want to see us move to a clean money-clean election. I love what Massachusetts has done; I love what Arizona has done; I love what Maine has done; and I love what Vermont has done. I know other States want to do it. If I ever get the chance, I am going to offer a bill or an amendment that will say that every State should apply clean money-clean election campaigns not only to their State races but to Federal races, give the right to the States as to whether or not they want to have essentially a fund people can draw from—maybe everybody contributes a few dollars a year—which enables people to say: By God, these are our elections; our voice counts; no one person and no one interest is dominant.

There will be the McCain-Feingold bill. I will be pushing hard for the clean money-clean election effort. There are other people who have had ideas. I want us to come out here and get serious about passing reform legislation. We are not there yet; I know that. I think the mode of power for change is going to have to come from a citizen politics; a citizen politics will have to be the money politics. You will have to have an engaged, energized, excited, empowered, determined citizen politics that is going to force us to pass this reform legislation.

In the meantime, I urge colleagues not to vote for Brad Smith's nomination—not because he isn't a good person; he is—because of the basic philosophy he holds, the basic viewpoint he holds which is so antithetical to reform. I think this is a test case as to whether or not we are serious about the business of reform. I hope we vote no.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the nomination of Mr. Smith to the Federal Election Commission. I intend no personal aspersions toward Mr. Smith, and I am sure he is a fine man. However, he should not serve in the position to which he has been nominated. Sending Brad Smith to the FEC is akin to confirming a conscientious objector to be Secretary of Defense.

It would be well to put the debate we are having today and for a short period tomorrow in the context of what is going on as we speak. Tuesday, May 23, from an LA Times article, ''Democratic Fund-Raising King Has 26 Million Reasons to Gloat''.

Brash, unapologetic Terry McAuliffe helps party raise ''greatest amount of money ever.'' Critics decry ''political extortion.''

Even on an average day, Terry McAuliffe is exuberant. But these days, the Democrats' fund-raising master can barely contain himself.

After six weeks of making 200 telephone calls a day, attending happy-hour rallies with small time fund-raisers and wooing new high-dollar givers at intimate dinners, McAuliffe is on track to raise $26 million at a blue-jeans-and-barbecue event at a downtown sports arena Wednesday night—''the greatest amount of money ever in the history of American politics.''

Then, turning to leave for another dinner where he would woo a likely big-money contributor, McAuliffe added: ''Get those checkbooks out!''

Although a $100,000 contribution was a benchmark in the last presidential election, this time around fund-raisers are collecting scores of checks for $250,000 and more from those who want to qualify as political players.

For Wednesday night's event at Washington's MCI Center, no fewer than 25 people raised or donated at least $500,000, McAuliffe said.

By March, unregulated ''soft money'' donations to both parties were soaring, with Democratic totals nearly matching Republicans for the first time.

Officials of both parties say that the record-setting inflow reflects enthusiasm for

their candidates and their platforms, but the reality is more complicated.

''There is just raw greed on the part of the solicitors, and it is corrupting,'' said Fred Wertheimer, a longtime leader in the effort to reform the nation's campaign finance laws.

''When you're dealing with $250,000 and $500,000 campaign contributions you are flatly dealing with influence -buying and -selling and with political extortion.''

Faced with what many would consider a daunting task, the callers appeared driven by a mix of humor, commitment, swagger and chutzpah.

''I want to ask you a question,'' McAuliffe told one donor on the phone. ''If the world blew up tomorrow would you do 500?'' meaning $500,000.

''We should have gone for RFK,'' McAuliffe bellowed, referring to the 50,000-seat stadium that once housed the NFL's Washington Redskins.

But when one top DNC donor inquired about getting a second table at the event, McAuliffe said, ''For 500 grand, I think we could give him two tables.

In the few in-depth conversations . . . donors seem more interested in talking about pet legislative issues than about the merits of the Democrats' presidential nominee, AL GORE.

Mr. President, that is the context in which we are considering the nomination of a man who has written extensively and spoken, not very persuasively, on the fact of no regulation whatsoever concerning the role of money in American politics. We know that the role of the FEC is to ''administer, seek to obtain compliance with, and formulate policy with respect to'' the Federal Election Campaign Act.

The FEC has the exclusive authority with respect to civil enforcement of the act. Clearly, then, it is obvious that FEC Commissioners should be dedicated to the proposition of Federal election regulation. Each Commissioner must be committed to ensuring a fair and open election process which is not tainted by the appearance of impropriety. Each Commissioner must be prepared to—I emphasize—uphold the law and preserve its intent by prohibiting the use and proliferation of loopholes.

I do not believe Mr. Smith has a philosophical commitment to upholding the intent of the law necessary to perform the duties of an FEC Commissioner. In fact, Mr. Smith has been highly critical of campaign reform. It is not that Mr. Smith simply disagrees with particular details of campaign finance reform. He disagrees with the basic premise that campaigns should be regulated at all—a distinctly and unique minority position in America—or that campaign contributions play any part in public cynicism of our political system.

I read from a March 17, 1997, article that Mr. Smith wrote, published in the Wall Street Journal. It is entitled ''Why Campaign Finance Reform Never Works.'' The title says it all in terms of his philosophy. Apparently, Mr. Smith never heard of Theodore Roosevelt.

I quote from his article, Mr. President:

In fact, constitutional or not, campaign finance reform has turned out to be bad policy. For most of our history, campaigns were essentially unregulated, yet democracy survived and flourished. However, since passage of the Federal Elections Campaign Act and similar State laws, the influence of special interests has grown, voter turnout has fallen, and incumbents have become tougher to dislodge. . . .

Apparently, Mr. Smith lived in some other nation during the Watergate scandal, when unlimited amounts of money would be carried around this town in valises, when corporations and companies and individuals were literally being extorted for money which was unaccounted for. Apparently, Mr. Smith missed the widespread, nationwide revulsion at these abuses, which brought about the campaign finance reform laws of 1974. Apparently, Mr. Smith was not seeking public office, as I was in 1982, when there was no such thing as soft money, where we had to go out and raise small amounts of money from many, many donors, where we had to conduct the kind of grassroots campaign to which Americans have grown accustomed. Perhaps Mr. Smith was not aware that, until late into the 1980s, campaigns were conducted in a very different fashion than today.

Not recognizing any role that creative evasion of the laws has played in these results, Mr. Smith concludes his article by writing:

When a law is in continual revision to close a series of everchanging ''loopholes,'' it is probably the law, and not the people, that is in error. The most sensible reform is a simple one—

I am quoting from Mr. Smith's article in the Wall Street Journal:

The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

That is a remarkable statement, a remarkable statement, from one who is required in his new position to enforce the very law that he wants repealed. Remarkable, Mr. President, remarkable.

Is someone who advocates a total repeal of the very law he would be enforcing as a Commissioner the right person for this job? Additionally, what job, over time, does not need revision or reauthorization? I am pleased to be the chairman of the Commerce Committee. We spend a great deal of time reauthorizing agencies of Government. That is an important part of our duties because time and circumstances and technology and issues change. For Mr. Smith to somehow condemn a law that is as important as the Federal Election Campaign Act because it needs to be reviewed, revised, and renewed, is, of course, showing incredible ignorance of the way that Congress functions.

Unfortunately, this is not an isolated example. In January 1998, Mr. Smith authored an article for USA Today. In that article, he said:

The First Amendment was based on the belief that political speech was too important to be regulated by the government. Campaign finance laws operate on the directly contrary assumption that campaigns are so important that speech must be regulated. . . . The solution to the campaign finance dilemma is to recognize the flawed assumptions of the campaign finance reformers, dismantle the Federal Elections Campaign Act, and the FEC bureaucracy, and take seriously the system of campaign finance ''regulation'' that the Founding Fathers wrote into the Bill of Rights: ''Congress shall make no law abridging the freedom of speech.''

Is Mr. Smith ignoring the fact that President Theodore Roosevelt led the fight to enact meaningful reform in 1907? Is Mr. Smith ignoring the fact that Republican majorities in Congress led the fight to prohibit union campaigns and corporate contributions to American political campaigns? Is Mr. Smith ignorant of the fact that the overwhelming majority of both Houses of Congress enacted comprehensive campaign finance reform in 1974? I stand proudly by Theodore Roosevelt in believing the 1907 reforms were valid. Mr. Smith does not.

Apparently, Mr. Smith missed, or has not heard of, the recent decision of the U.S. Supreme Court which directly repudiates Mr. Smith's assertions. I also find it curious that a person would hold views that have been directly repudiated by the U.S. Supreme Court—not holding their views as to the validity or his commitment to them, but certainly it is hard for me to understand how he would hold views that the U.S. Supreme Court, in their appointed duties, has ruled as constitutional.

In one of the comments made by the U.S. Supreme Court, in U.S. Supreme Court decisions, at the end of part B, the U.S. Supreme Court goes out of its way to even mention Mr. Smith:

There might, of course, be need for a more extensive evidentiary documentation if petitioners had made any showing of their own to cast doubt on the apparent implications of Buckley's evidence and the record here, but the closest respondents come to challenging these conclusions is their invocation of academic studies said to indicate that large contributions to public officials or candidates do not actually result in changes in candidate's positions. Brief for Respondents Shrink Missouri Government PAC; Smith, Money Talks: Speech, Corruption, Equality, and Campaign Finance; Smith, Faulty Assumptions and Undemocratic Consequences of Campaign Finance Reform. Other studies, however, point the other way.

Obviously, the U.S. Supreme Court did not agree with Mr. Smith's conclusions. If Mr. Smith were intellectually honest, he would note in his next upholding of his view that his view has been directly repudiated by the U.S. Supreme Court.

Another example. In light of Senator THOMPSON's investigation in the 1996 finance scandal, the unfettered buying and selling of influence, which the Clinton-Gore campaign practiced, such as overnight stays at the White House, selling seats on foreign trade missions, and receiving money from foreign governments, what Mr. Smith wrote in USA Today on July 8, 1997, was this:

Campaign reform is not about good government. It's about silencing people whose views are inconvenient to those with power. . . . The real campaign-finance scandal has little to do with Senator Fred Thompson's investigation. The real scandal is the brazen effort of reformers to silence the American people.

I have been around here a lot of years. An allegation of that nature, even though I have been here for some period of time, I find very offensive. I repeat what Mr. Smith said:

The real scandal is the brazen effort of reformers to silence the American people.

I think the record is clear of not only my advocacy but my service to this Nation on behalf of free speech, and certainly to argue that those of us who have a different opinion than Mr. Smith are conducting a brazen effort to silence the American people is obviously something that not only do I find offensive, but something that I find disqualifying in Mr. Smith.

It is clear that Mr. Smith believes there is no such thing as appropriate campaign finance reform. He believes that all campaign contributions, spending, and influence peddling are protected without limitation. He has advocated time and again the repeal of the very law he would be sworn to uphold and enforce. How can we seriously consider confirming his nomination to serve as a Commissioner?

I would like to say a word about his really inappropriate remarks about Senator FRED THOMPSON's advice. Senator FRED THOMPSON's investigation got into some very serious issues, such as breach of national security, such as foreign influence peddling, such as unlimited amounts of money coming in from foreign nations to influence our political process. Whether most Americans believe Senator THOMPSON's conclusions were correct, I think they certainly agreed it was an appropriate action. In fact, it was agreed to by both Republicans and Democrats that Senator THOMPSON's investigative hearings take place.

Mr. Smith says, ''The real scandal is the brazen effort of reformers to silence the American people.'' That is a remarkable statement among many remarkable statements Mr. Smith has made.

Others are equally concerned about Mr. Smith's suitability to serve on the FEC. The Brennan Center for Justice at the New York University School of Law has this to say. This is the Brennan Center for Justice at the New York University School of Law:

Imagine the President nominating an Attorney General who believes that most of our criminal laws are 'profoundly undemocratic' and unconstitutional. Or an SEC Commissioner who has publicly called for the repeal of all securities laws with the plea, 'We should deregulate and just let it go.' Or a nominee for EPA Administrator who believes that the agency he aspires to head and 'its various state counterparts' should be abolished. It would be unthinkable. In a society rooted in the rule of law, we would never tolerate the appointment of a law enforcement officer who has vocally and repeatedly denounced the very laws he would be called upon to enforce, much less one who has called for the repeal of those laws and the abolition of the very agency he aspires to head.

'Unthinkable. Yet, President Clinton, at the urging of Senator Lott and Senator McConnell, has nominated Bradley A. Smith to fill one of the vacancies on the Federal Election Commission. Brad Smith, a law professor at Capital University Law School, has devoted his career to denouncing the FEC and the laws it is entrusted to enforce in precisely those strident terms. He believes that virtually the entire body of the nation's campaign finance law is fundamentally flawed and unworkable-indeed, unconstitutional. He has forcefully advocated deregulation of the system. And if the James Watt of campaign finance had his way, the FEC and its state counterparts, would do little more than serve as a file drawer for disclosure reports . . .

Brad Smith's sponsors and supporters are floating the myth that it is campaign finance reformers, rather than Smith, who are the radicals on these issues. However, the Supreme Court only last month in Shrink Missouri cited two of Smith's academic articles by name in its opinion and then repudiated his view that there is no danger of corruption or the appearance of corruption from large campaign contributions. However, we do not need the U.S. Supreme Court to tell us that Brad Smith is a radical, who is out of step with the mainstream. In his own words, when he was approached about serving on the FEC, Smith stated: 'My first thought was ''they've got to be just looking at me put my name on the list so that whoever they really want will look less radical.'' Even Smith did not believe, at first, that the Republicans would seriously put forward his name for this position because his views are so extreme. . .

Brad Smith and his supporters have asserted that, although Smith personally disagrees with much of the law, he can nevertheless be counted on to faithfully enforce it. One is forced to ask, however, why an academic who has made his career by criticizing the nation's election laws would want the job of stoically enforcing those laws? The answer, of course, is that Brad Smith recognizes that federal election law, like any complex regulatory regime, is open to interpretation and it is the process of interpretation that gives the law its meaning. Brad Smith's goal, whenever there is any room for interpretation, will doubtless be to allow federal campaign finance law to whither on the vine. And any member of Congress that supports additional campaign finance regulations—such as McCain-Feingold or Shays-Meehan, should be very troubled by the prospect that the rules and regulations governing their implementation might be drafted by such an arch-nemesis of those reforms.

I think there are a couple of additional points to be made here. One is, how can the President of the United States be committed to finance reform and submit Mr. Smith's name? That nominating process comes from the President of the United States. The next time you hear the President of the United States reiterate his commitment to meaningful campaign finance reform, remember the type of person who was nominated by the President of the United States for this position.

In deference to the President of the United States, we have a little unwritten rule that the President gets to appoint some and the majority—in this case, the Republicans—appoint others. The President still had the ability and the authority to reject this most extreme nominee for any position that I have seen in my years here since 1987.

There is another point that I think is important. Why would someone who disagrees with campaign finance laws, who believes they should be scrapped, and who believes fundamentally they are unconstitutional—not just the personal dislike but a firmly held tenet that all campaign finance laws should be scrapped and are unconstitutional—how in the world could you then expect someone to face a fundamental contradiction of their basic beliefs that a law is unconstitutional and yet seek the position where his sole duties are to enforce those laws? How Mr. Smith could even take an oath to uphold the same laws of which he has time and again rejected and advocated their repeal is a mystery.

What does that say? Either he is willing and able to cast aside lifelong beliefs and principles in order to hold a prestigious position or he is less than sincere in undertaking enforcement of campaign reforms or enforcing existing law.

President Reagan once said no to a Democrat whose name was submitted. President Clinton could have done the same. I say, shame on you, Mr. President, for not rejecting this name.

Let me be perfectly clear that I do not oppose Mr. Smith simply because he disagrees with my proposed legislation. Many of my closest friends take issue with aspects of McCain-Feingold. I respect the opinion of others, and I respect the right of Mr. Smith to hold a view contrary to mine. It is because he objects to any form of campaign finance regulation that I oppose him.

If you took a poll of the 100 Members of this body, I don't think you would find more than perhaps 1 who would hold the view that Mr. Smith does. My friends on both sides of the aisle at least say we need some form of campaign finance reform. Most are offended by this latest loophole called 527. Most find it egregious that we now have $500,000 contributors. Most of them believe the money chase has lurched out of control to the point where, by actual acts of commission and omission, young Americans have become cynical and alienated from the political process. The 1996 election had the lowest voter turnout of 18- to 26-year-olds than at any time in the history of this country.

There was recently a poll taken by the Pugh Research Center—which I will submit for the RECORD at a later time—which showed that 67 percent of young Americans say they are disconnected from government. And the reason given is the influence of special interests and big money in Washington. The system cries out for reform, if not for McCain-Feingold, then some other vision of reform.

Mr. Smith believes campaign finance reform is not about good government.

It is about silencing people whose views are inconvenient to those with power. The real scandal, Mr. Smith says, is the brazen effort of reformers to silence the American people.

A statement such as this impugns the motives of many millions of good and decent Americans who believe this reform is necessary in a remarkable way. I do not impugn the motives of Mr. Smith. I disagree with him. I do not believe Mr. Smith is trying to silence the American people. I do believe he is wrong in his positions and he is wrong for this job.

It is because he objects to any form of campaign regulation that I oppose him, because he can acknowledge all the examples of campaign abuse witnesses in the 1996 election, as he did in an article published by the American Jewish Committee in December 1997, and still he contends that the only reform necessary is deregulation. So those kinds of abuses become the norm.

In that article he cited the many unsavory examples of fundraising by the Clinton-Gore campaign. He goes on to say:

Yet, we now see, on videotape and in White House photos, shots of the President of the United States meeting with arms merchants and drug dealers; we learn of money being laundered through Buddhist nuns and Indonesian gardeners; we read that the acquaintance of the President are fleeing the country or threatening to assert Fifth Amendment privileges to avoid testifying before Congress. . . .

What troubles me most abut Mr. Smith is that, after acknowledging all of these incidents, he concludes that since campaign reform has not eliminated those abuses, we should simply give up and allow a free for all. That's like saying, ''Since the laws against murder haven't eliminated murders, we should simply legalize murders.'' Or, ''Since the country's drug laws haven't been enforced sufficiently to eliminate illegal drug deals, we should simply legalize drug use.''

Is someone with that kind of attitude the right person for the job? I don't think so, and I cannot believe that my colleagues can in good faith and with a straight face assert that he is.

It should be a grave concern to my colleagues that Brad Smith concedes all of the facts of the 1966 campaign scandal, but apparently sees nothing wrong with perpetuating and legalizing those wrongs. I do not believe the American public concurs.

Mr. Smith advocates anything goes in election campaigns and says no tactic is too unseemly, too corrupt to be protected by the first amendment of the Constitution. By the way, I believe it was Justice Stevens who said in his opinion in the Shrink Missouri decision that money is property, money is not free speech.

I do not agree that our Founding Fathers could have intended such a result any more than prosecuting someone yelling ''fire'' in a crowded theater. The Supreme Court has concurred in the recent Shrink Missouri decision in upholding the State of Missouri's campaign contribution limits. The Court reiterated its determination from their earlier Buckley v. Valeo decision that the prevention of corruption and the appearance of corruption is a constitutionally sufficient justification for limiting contributions as a form of speech.

Mr. Smith's position is in direct contradiction to what the U.S. Supreme Court stated in Shrink Missouri. I repeat, the U.S. Supreme Court said the prevention of corruption and the appearance of corruption is a constitutionally sufficient justification for limiting contributions as a form of speech.

In speaking of ''improper influence'' and ''opportunities for abuse'' in addition to ''quid pro quo'' arrangements, we recognized a concern not confined to bribery of public officials, but extending to the broader threat from politicians too compliant with the wishes of large contributors. These were the obvious points behind our recognition that the Congress could constitutionally address the power of money ''to influence governmental action'' in ways less ''blatant and specific'' than bribery.

As Justice Stevens said in his concurring opinion in the *Shrink* case, responding to the arguments raised by Justice Kennedy in his dissent:

Justice Kennedy suggests that the misuse of soft money tolerated by this Court's misguided decision in *Colorado Republican Federal Campaign Committee* v. *Federal Election Commission*, demonstrates the need for a fresh examination of the constitutional issues raised by Congress' enactment of the Federal Election Campaign Acts of 1971 and 1974 and this Court's resolution of those issues in *Buckley* v. *Valeo*. In response to his call for a new beginning, therefore, I make one simple point. Money is property; it is not speech.

Speech has the power to inspire volunteers to perform a multitude of tasks on a campaign trail, on a battleground, or even on a football field. Money, meanwhile, has the power to pay hired laborers to perform the same tasks. It does not follow, however, that the First Amendment provides the same measure of protection to the use of money to accomplish such goals as it provides to the use of ideas to achieve the same results.

I find it incredible that a law professor speaking on the topic of constitutionality of campaign finance reform would not cite the most recent Supreme Court ruling and opinion pertinent to the topic. Yet, notwithstanding the fact that the Supreme Court issued its ruling in the *Shrink* case in January of this year, in Mr. Smith's testimony during his confirmation hearing before the Senate Rules Committee in March offered no recognition that the Supreme Court had most recently upheld campaign contribution limitations. He made no attempt to renounce his earlier writings or opinions based upon the opinion. He made no acknowledgment that the Supreme Court had recently reached a conclusion as to the constitutionality of contribution limitations at odds with his views. Instead, he focused his presentation on the uncertainty of the law, and in particular the confusion surrounding the Buckley opinion. This, even though the Supreme Court had in *Shrink* reiterated and clarified the state of the law. Perhaps it was because he had not read the *Shrink* opinion, a disturbing omission for a law school professor—or perhaps simply because he disagrees with it. In either case, I find the omission troubling and indicative of why Mr. Smith would be unsuitable as an FEC Commissioner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
Washington, DC, March 8, 2000.

Hon. MITCH MCCONNELL,
Hon. CHRISTOPHER DODD,
Senate Committee on Rules, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCONNELL AND SENATOR DODD: While Common Cause believes the Committee and the Senate would have been better served with full and open hearings regarding the nomination of Bradley A. Smith to be commissioner to the Federal Election Committee (FEC), I request that this letter be made part of the record.

Common Cause strongly urges the Committee to reject the nomination of Bradley A. Smith, Professor of Law at Capital University in Ohio, to serve on the Federal Election Commission. Mr. Smith has written extensively about the need to deregulate the campaign finance system, has stated that the FEC should be abolished, and has written that the Federal Election Campaign Act (FECA) is unconstitutional. Clearly, as someone who strongly opposes the law he would be duty-bound to uphold and administer impartially, Mr. Smith should not be confirmed.

The FEC was created for the sole purpose of upholding and enforcing the FECA. Mr. Smith, however, strongly believes that the Act should be repealed. In a 1997 op-ed published in The Wall Street Journal, Smith stated: ''When a law is in need of continual revision to close a series of ever-changing 'loopholes,' it is probably the law, and not the people, that is in error. The most sensible reform is a simple one: repeal of the Federal Election Campaign Act.''

Elimination of FECA would repeal, among other provisions, the ban on corporate and labor union contributions to federal candidates, the limits on individual and PAC contributions to federal candidates, the ban on foreign contributions to federal candidates, the ban on cash contributions of more than $100 to federal candidates, and the prohibition on federal officeholders converting campaign contributions to personal use.

In short, repeal of the Federal Election Campaign Act would return this country to the days before Watergate when hundreds of thousands of dollars in cash were being given directly to candidates from undisclosed wealthy contributors.

Any member of a federal regulatory agency should, at a minimum, believe in the mission of that agency, and the constitutionality of those laws. Not only does Mr. Smith demonstrate utter contempt for the agency, he also demonstrates his comprehensive hostility to the federal campaign finance laws—laws which he believes are wrong, burdensome, and unconstitutional.

Mr. Smith is on record stating that federal campaign finance laws are, in their entirety, unconstitutional. He has written that ''FECA and its various state counterparts are profoundly undemocratic and profoundly at odds with the First Amendment.''

Smith also wrote: ''The solution is to recognize the flawed assumptions of the campaign finance reformers, dismantle FECA

and the FEC bureaucracy, and take seriously the system of campaign finance regulation that the Founders wrote into the Bill of Rights: 'Congress shall make no law . . . abridging the freedom of speech.' ''

Any individual who believes that an agency's organic statute is unconstitutional and should be repealed in toto, is not fit to serve as a Commissioner of the agency charged with administering and enforcing that statute.

No one, for example, would conceive of appointing to head the Drug Enforcement Agency an individual who believes all federal anti-drug laws are unconstitutional and should be repealed. Such an appointment would be viewed as an act of utter disdain and disrespect for the laws to be administered by the agency involved.

Mr. Smith believes the federal campaign finance laws are not only unconstitutional, but misguided in their very purpose. In supporting repeal of the campaign finance laws, he has written that the country ''would best be served by deregulating the electoral process.''

Mr. Smith's ideas are not simply a matter of whether one takes a liberal or conservative view of the existing campaign finance laws. What is at stake here is whether the law will be administered and enforced to its full extent. While Mr. Smith's ideas may be appropriate for an academic participating in public debate, they are wholly unacceptable for a Commissioner charged with administering and enforcing the nation's anti-corruption laws enacted by Congress and upheld by the Supreme Court. The purpose of the FEC is not to be a debating society. The role of a FEC Commissioner is not to be an advocate.

Indeed, Mr. Smith fails even to accept the fundamental anti-corruption rationale for the campaign finance laws—the rationale that was at the very heart of the Supreme Court's decision in Buckley v. Valeo, upholding the constitutionality of the existing campaign finance laws, and which was reaffirmed this year by the Supreme Court in Nixon v. Shrink Missouri Government PAC. In that case, Justice David Souter, writing for the majority, stated ''There is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.''

Mr. Smith dismisses the rationale by writing that ''money's alleged corrupting effects are far from proven . . . that portion of Buckley that relies on the anti-corruption rationale is itself the weakest portion of the Buckley opinion—both in its doctrinal foundations and in its empirical ramifications.''

The FECA requires the members of the Federal Election Commission shall be chosen ''on the basis of their experience, integrity, impartiality, and good judgment.'' 2 U.S.C. 437c(a)(3). While we believe President Clinton would have been within precedent to reject the recommendation from Senate Majority Leader Trent Lott (R–MS) of Mr. Smith's nomination (President Reagan rejected a proposed FEC nominee in 1985), the Committee now has the responsibility to judge whether Mr. Smith meets these criteria.

Mr. Smith is in no way ''impartial'' about the campaign finance laws. He simply does not believe in them.

Mr. Smith's extreme opposition to the existence of the federal campaign finance laws, and his clearly stated views that they are unconstitutional, make him unfit to serve as a Commissioner of the FEC.

Common Cause strongly urges the Committee to vote against Mr. Smith's nomination. A vote to confirm Mr. Smith is a vote against campaign finance reform.

Sincerely,

SCOTT HARSHBARGER,
President.

THE WRONG MAN FOR THE JOB
(By Fred Wertheimer, President, Democracy 21)

Would an individual who believes the nation's drug laws should be repealed and are unconstitutional be appointed to head the Drug Enforcement Agency?

No way.

Would the United States Senate confirm an individual with these views to be the nation's chief drug law enforcement official?

Absolutely not.

Then, what in the world is Bradley Smith's name doing pending before the Senate for confirmation to serve as a Commissioner on the Federal Election Commission (FEC)?

Mr. Smith—who has stated that the nation's campaign finance laws should be repealed and are unconstitutional—was nominated by President Clinton earlier this month to serve on the FEC, the agency responsible for enforcing the nation's campaign finance laws.

That's the same President Clinton who is a self-proclaimed supporter of campaign finance laws and campaign finance reform.

The Smith nomination was dictated by Senate Republican Majority Leader Trent Lott and Senator Mitch McConnell, the leading Senate defenders of the corrupt campaign finance status quo in Washington, and Smith's two leading advocates for the Commission job.

President Clinton lamely explained his nomination of Smith, a strong opponent of federal campaign finance laws, on the grounds that he was just following custom in ceding to the other major party the ability to name three of the six FEC Commissioners. In fact, however, when the Republicans held the White House, President Reagan had no problem rejecting the appointment of an FEC nominee of the Democrats that he found to be objectionable.

So what are the potential consequences of Clinton's campaign finance betrayal if the Senate confirms Smith to serve on the Commission?

Here is what Bradley Smith has said about the nation's campaign finance laws: ''[T]he most sensible reform is a simple one: repeal of the Federal Election Campaign Act (FECA).''

And, here is what Mr. Smith's ''reform'' would accomplish: repeal of the ban on corporate contributions to federal candidates; repeal of the ban on labor union contributions to federal candidates, and repeal of the limits on contributions from individuals and PACs to federal candidates.

Mr. Smith's ''reform'' also would repeal the system for financing our presidential elections, the ban on officeholders and candidates pocketing campaign contributions for their personal use, the ban on cash contributions of more than $100, and various other provisions enacted to protect the integrity of our democracy.

Mr. Smith also has stated that the federal campaign finance law, known as the FECA, is ''profoundly undemocratic and profoundly at odds with the First Amendment.''

Mr. Smith's position that the FECA, and its contribution limits, are unconstitutional, however, is directly contradicted by numerous Supreme Court decisions.

Just last month, for example, the Supreme Court reaffirmed in Nixon v. Shrink Missouri Government PAC that contribution limits are constitutional.

The Court cited ''the prevention of corruption and the appearance of corruption'' as the rationale for upholding contribution limits, a rationale that Smith firmly rejects.

Justice Souter, writing for six of the nine Justices including Chief Justice Rehoquist, stated, ''Leave the perception of impropriety unanswered and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance.''

Mr. Smith, it goes without saying, is entitled to hold and express whatever views and philosophy he may have about campaign finance laws.

It should also go without saying, however, that the American people are entitled to have law enforcement officials who believe in the validity and constitutionality of the laws they are charged to enforce, and who do not view these laws with total disdain and hostility.

As The Washington Post noted in an editorial, Smith's premises ''are contrary to the founding premises of the commission on which he would serve. He simply does not believe in the federal election law.''

And, The New York Times wrote in an editorial that Smith's stated positions ''make plain that his agenda as a commission member would be a further dismantling of reasonable campaign limits intended to curb the corrupting influence of big money rather than serious enforcement of current campaign finance laws.''

Mr. Smith's nomination is a classic symbol of the breakdown in law enforcement that has occurred when it comes to the nation's campaign finance laws. Mr. Smith's confirmation to be an FEC Commissioner would be an insult to the American people.

United States Senators should not allow this to happen.

Mr. MCCAIN. Mr. President, I see my friend and comrade in arms, Senator FEINGOLD. Let me mention what is going on not only as far as the fundraiser is concerned, but recently we received information there will be a hearing tomorrow before the Senate Judiciary subcommittee and on Thursday before the House Government Reform Committee.

According to a December 9, 1996, memo by FBI Director Louis J. Freeh, Mr. Radek [head of Justice Office of Public Integrity] told Mr. Esposito [who was a deputy director of the FBI] he was ''under a lot of pressure not to go forward with the investigation,'' and that Ms. Reno's job ''might hang in the balance.'' The memo said Mr. Freeh met with Ms. Reno and personally suggested she and Mr. Radek recuse themselves from the probe.

What we are talking about here is a situation that, if campaign finance laws had been obeyed and enforced, we would not be subjected to as a nation; that is, disturbing allegations that information was brought by the FBI, the Director of the FBI, Mr. Louis Freeh, and by Mr. Charles LaBella, who was appointed as the head of the task force to investigate these very allegations by the Attorney General herself—those recommendations were ignored by the Attorney General. The recommendation for the appointment of an independent counsel was ignored by the Attorney General of the United States. A recommendation by Mr. Freeh was not accepted by the Attorney General of the United States and, according to the Deputy Director of the FBI, Mr. Radek, whose office is described as the Office

of Public Integrity in the Justice Department, he said he was ''under a lot of pressure not to go forward with the investigation''—I wonder who from—and that Ms. Reno's job ''might hang in the balance.''

This is the pernicious effect of a campaign finance system which has run amok. That is not confined to the Democratic Party. There have been abuses on my side as well because this system knows no party identification. This system knows only the increasing avariciousness of a system that has run amok.

We are now about to confirm as one of those whose appointment is to enforce the law someone who is adamantly opposed to the law, believes the law is unconstitutional. And we are in a situation in America today that, in the view of more objective observers than I, can only be compared to the turn of the century when the robber barons of this Nation, through huge input of contributions to political campaigns, had basically bought the American Congress. Thanks to the brave and courageous efforts of one Theodore Roosevelt, joined by millions of other like-minded reformers, we brought an end to that corruption.

Now we are about to appoint to that body an individual who will not only not be opposed, who will not only not support trying to clean up this system, but will try to remove the last vestiges of campaign finance reform law as it exists today. All I can say is it is a 5-year appointment. He will not be there forever. We will have campaign finance reform.

As my colleagues know, I recently completed an unsuccessful campaign for the nomination of my party for the Presidency of the United States. It was one of the most rewarding and uplifting experiences of my life. I learned many things during that campaign. I will not clutter the RECORD with the lessons I learned.

When I began the campaign, I said the theme of my campaign would be reform. Every political pundit said there was no room for reform in the political agenda. In hundreds of townhall meetings and thousands of speeches, I said: Campaign finance reform is the linchpin; if we want to reform education, if we want to reform the military, if we want to reform the Tax Code, if we want to reform the institutions of government, we must get this Government out of the hands of the special interests and back to the people. I believe that message resonated then and resonates to this day.

We are about to appoint an individual now in complete contradiction to what I believe is strongly the will of the people, not only that existing laws be enforced but new laws be enacted in order to close the loopholes that have been created since the passage of the 1974 law.

We, in our wisdom, are about to appoint an individual who flies in the face of everything I learned in my campaign, despite a clear voice from the American people, particularly from our young, particularly from our young citizens to whom, sooner rather than later, we will pass the torch of leadership of this Nation, who have become cynical and even alienated from the political process—not without good reason.

Mr. President, I note the presence of the Senator from Vermont. I might say to the Senator from Vermont, I had a wonderful day in his State long ago, where he is well respected and well loved by the citizens of his State. I appreciate the opportunity, always, to be in lovely Montpelier. I thank him and his fellow citizens for all their hospitality.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent I be allowed to take 7 minutes of the 15 minutes that is reserved to the Senator from Vermont on the Timothy Dyk nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

Mr. LEAHY. Mr. President, while the Senator from Arizona is still on the floor, I was going to say at the beginning of my remarks, the Vermont press showed very clearly how well respected the Senator from Arizona is in Vermont and how well received he was. He was one of the biggest vote getters our State has ever had. He did an extremely good job. He won his party's primary overwhelmingly. In Vermont his victory was declared within, I think, 5 minutes after the polls closed on primary day because the number was so overwhelming.

I say this because, while I was not at the convention where he spoke, as he can imagine—it was the Republican State convention—many of my dear friends and supporters were there. They told me also how much they respected what the Senator from Arizona said, as they had when he had been in Burlington earlier in his campaign and spoke to an overflow crowd. Montpelier is where I was born, so I always watch what happens there. I say to my friend from Arizona, the calls and e-mails I got after his appearance about him were all positive.

Mr. MCCAIN. I thank my colleague.

NOMINATION OF TIMOTHY B. DYK

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally going to vote this week on the confirmation of Timothy Dyk.

A vote on this nominee has been a long time coming. He was first nominated to a vacancy on the Federal Circuit Court of Appeals in April of 1998—over 2 years ago—by some reckonings, in the last century. He had a hearing. He was reported favorably by the Judiciary Committee of the Senate in September of 1998. His nomination was left on the Senate calendar that year without any action and eventually was returned to the President, 2 years ago as the 105th Congress adjourned.

Then Mr. Dyk was renominated in January of 1999. He was favorably reported to the Senate floor, again, in October of 1999. For the last 7 months, this nomination has been waiting on the Executive Calendar for Senate action.

Let me just tell you a little bit about Timothy Dyk. He has distinguished himself with a long career of private practice in the District of Columbia. From 1964 to 1999, he worked with Wilmer, Cutler, and Pickering as an associate and then as a partner. Since 1990 he has been with Jones, Day, Reavis, and Pogue as a partner. He has been the chair of its issues and appeals section.

He received his undergraduate degree in 1958 from Harvard College; his law degree from Harvard Law School in 1961. Following law school, he clerked for three U.S. Supreme Court Justices: Justices Reed and Burton, and Chief Justice Warren. He was also a special assistant to the Assistant Attorney General in the Tax Division.

His is a distinguished career. He represented a wide array of clients, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Association of Broadcasters, the National Trucking Association, and he has the support of a wide variety of these organizations. We have received strong letters of support for him. Here are some of those who sent in letters saying let's get this man confirmed:

The U.S. Chamber of Commerce, the American Trucking Association, the National Association of Manufacturers, the National Association of Broadcasters, IBM, Gannett, Eastman Kodak, Brush Wellman, Rockwell, LTV Corporation, SkyTel Telecommunications, the Lubrizol Corporation, Ingersoll-Rand, the American Jewish Congress, the Anti-Defamation League, the American Center for Law and Justice, and Trinity Broadcasting Network.

I said many times on the floor that we take far too long to confirm good people. We are wrong and irresponsible to hold people up basically on a whim until we feel like bringing up their names. Nominees deserve to be treated with dignity and dispatch, not delayed for 2 or 3 years. Of course, any Senator can vote as he or she wants, but let's understand the human aspect.

When somebody has gone for their hearings, when they have been voted out of committee, when they are pending in the Senate, their life is on hold until we act. It is unfair, it is unreasonable to tell somebody in a law practice: The good news is the President has nominated you to the Court of Appeals. You will be congratulated by your partners, by your clients, and then they will say: When are you going to be confirmed? If you have to respond: When the Senate gets around to it, that is not a good answer. Vote somebody up or vote somebody down.

This is a man who should have broad, strong bipartisan support, just as the letters of support show broad, strong bipartisan support.

I am glad that Tim Dyk will be voted on for the Federal Circuit. We have worked long and hard to get him the vote to which he is entitled. I worked to have him confirmed in 1998. I worked to have him confirmed in 1999. I am glad that finally, he will be accorded a vote on this long pending nomination.

He and his entire family have much of which to be proud. His legal career has been exemplary. He will make a superb judge.

I know Timothy Dyk. I know him and his wife, both of whom have had long, distinguished careers in the private sector and the public sector. Let's give the country the opportunity to have him join the Federal Circuit Court of Appeals, just as we did late last year with his colleague, Richard Linn. It is time for the Senate to confirm Timothy Dyk to the Federal Circuit.

Mr. President, not seeing anybody on the floor, I suggest the absence of a quorum and ask unanimous consent that it not run against the time of either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I yield to myself as much time as I may consume from Senator LEAHY's time on the nomination of Mr. Gerard Lynch to become a district court judge for the Southern District of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF GERARD LYNCH

Mr. SCHUMER. Mr. President, I thank the majority leader and the minority leader for coming together on an agreement that allows for a number of vital votes on judicial nominees. I also thank Chairman HATCH for, again, tending to our judicial needs in my State and in so many States, and for the fairness with which he has tried to move this process forward.

It is with great pride and pleasure that I rise in support of the nomination of Gerard Lynch to be district court judge for the Southern District of New York. At my recommendation, President Clinton nominated Professor Lynch to fill a vacant Federal judgeship in the Southern District.

Professor Lynch's experiences and accomplishments as a prosecutor, as a private lawyer, as a professor of law, and as a public servant make him a superb candidate to be a Federal judge. I have never, in my days, seen such high recommendations from people from all parts of the political spectrum simply about this man's intellect and accomplishments.

Professor Lynch's background and career accomplishments are, frankly, staggering. He was born and raised in Brooklyn, a place near and dear to my heart. He then attended Columbia College, where he graduated first in his class—a highly competitive school—followed by Columbia Law School, where he also was No. 1 in his class.

After law school, he accepted two judicial clerkships— first, with one of New York's great jurists, Judge Wilfred Feinberg of the Second Circuit, and then with Justice William Brennan on the Supreme Court. He was at the top of the legal profession as he went through his education and his clerkships. You could not have a better record.

Since that time, he has had a multifaceted career, mostly as a prosecutor and professor, and that is as impressive as any judicial candidate I have seen in years.

Since 1977, he has served as the Paul K. Kellner Professor of Law at Columbia Law School, where he teaches criminal law and criminal procedure, as well as constitutional law and other courses.

He is a leading expert on the Federal racketeering laws and has written numerous articles on the subject. He has also published articles on other aspects of criminal law, constitutional theory, and legal ethics.

Maybe most importantly, he is considered one of Columbia Law School's outstanding professors, winning a number of awards for excellence in teaching and serving as a guide and mentor to countless students over the years.

Professor Lynch, however, has not only been a professor, he also spent many years as a Federal prosecutor in the Southern District of New York, one of the premier U.S. Attorney's Offices in the country. He tried numerous cases, including white collar and political corruption cases, and eventually rose to be the chief of the appellate division.

In 1990, after a stint as a professor, he was asked to return to that office as chief of the Criminal Division under U.S. Attorney Otto Obermaier. In that capacity, he supervised more than 135 prosecutors and oversaw all of the office's criminal cases. Mr. Obermaier, a Republican appointee, handpicked Professor Lynch to serve as his lead criminal prosecutor. I know he has been outspoken in support of this nomination, and Mr. Obermaier was known as a hardnosed, rather conservative prosecutor in the Southern District.

Professor Lynch has also served as counsel to numerous city, State, and Federal commissions, and has worked with a number of special prosecutors investigating public corruption. Moreover, from 1988 to 1990, he served as a part-time associate counsel for the Office of Independent Counsel.

More recently, Professor Lynch has been counsel to a top New York law firm, primarily handling white collar criminal matters and regulatory matters, while still maintaining a full courseload teaching at Columbia.

So, intellectually, he is at the top of the list. Experience-wise, he has done it all. He is also a wonderful, wonderful person. He loves Latin and Greek and he knows them well. He loves theater, art, and ballet.

Just to let my colleagues know what a fine man he is and what an honorable man he is, when Gerry went to Columbia College, the Vietnam war was waging. He came from a working-class background and he knew that many of his classmates in high school would be drafted. He, by being a college student, was not eligible for the draft, but he thought that was unfair. He thought it was unfair that those lucky enough to get into college should have special advantages over working-class young men being called for the front line. So he refused to pursue an exemption. He was not called. But that shows you the mettle of the man.

I will close by admitting that I am very excited about the prospect of Professor Lynch becoming the next member of the Southern District bench. I know his wife and his son are proud of him, and rightfully so.

He meets the criteria I have set for myself in choosing judges, which are:

No. 1, excellence. There is no doubt;

No. 2, moderation. I try to avoid judges who are extreme in either case;

And, No. 3, diversity. While Gerard doesn't quite qualify in that, I think I fulfill that in some other nominations.

Gerard Lynch has the rare combination of intelligence, practical experience, judicious temperament, fairness, and devotion to hard work that makes for truly great judges. He is just what the Founding Fathers and all others throughout have wanted for a Federal judge. All too many people of his qualification don't ask for and don't aspire to the bench. He does. We should take this opportunity and support him wholeheartedly.

I yield to my senior colleague and friend from the State of New York, Senator MOYNIHAN. Is that the proper procedure, Mr. President? Should I yield to Senator MOYNIHAN, or should I yield my time?

The PRESIDING OFFICER. Senator MOYNIHAN is recognized in his own right.

Mr. MOYNIHAN. How very generous of you, Mr. President.

How kind of my beloved colleague and friend.

I rise with a measure of animus, if I may do, sir, this afternoon. I was one of those who, with my colleague, introduced Mr. Lynch to the Committee on the Judiciary with such very considerable pride to have that opportunity.

My colleague remarked about the founders of the Constitution. I will speak in just a moment about the Columbia Law School, which precedes the Constitution, which Constitution was written in very large measure by a graduate of that law school, Alexander Hamilton, and whose first large treatise of explanation was written by

Chancellor Kent, as he is known, having been chancellor of New York State, with his commentaries on the laws of the United States.

It is not a small thing to become a member of that law faculty. It is a large honor carefully reserved for lawyers of successive generations who note history and demand its importance to this time.

We have before us, sir, the nomination of a great lawyer—I use that carefully—who will be a superb judge.

I think he might have been surprised—we would not have been surprised—that early in life and at another time he might not have chosen criminal law as his specialty. But he came of age in the bar when that was the first problem, singularly so, of the Southern District of New York. And he went to work at it.

He was a serious prosecutor, sir, a successful one—a relentless one and a successful one. I want to say that, sir—a successful one. None came into his compass charged with a crime that he did not prosecute fairly, rigorously, relentlessly, and, in the end, sir, with an extraordinary range of success—and I defer to my revered colleague—with an extraordinary range of success.

This is a man of whom criminals had never heard but, when they appeared in court with him, will never forget. This man understood that the principles of a free society require adherence to law with a reverence and respect and, if necessary, a measure of fear: Do not appear before this judge with the burden of guilt or you shall be found guilty.

He has a range of intellectual pursuits. Ought not a member of the school of law that taught Alexander Hamilton and graced by Chancellor Kent and his great success—ought not there be such a range? Ought he not be able to entertain alternative ideas, examine them, and consider the possibilities?

We have, sir, a wonderful symbol—I do not know in my ignorance whether it is from Greece or Rome—of Justice blindfolded, holding up a scale and weighing the evidence. He has done that in a great range of professional articles. He has done that in a long career of prosecution. And he has considered alternatives and made judgments because he is by nature a judge. He has been in the pits where judges have to make determinations from whatever is presented to them as evidence. And he knows the process.

He graduated summa cum laude from Columbia Law School. He clerked for Judge Feinberg on the Second Circuit Court of Appeals —the Second Circuit, sir, the mother court, we should say—and for Justice Brennan on the Supreme Court. Over the past 23 years, he has won award upon award, including the University-wide President's Award for Outstanding Teaching in 1997. He is nationally known as a criminal law expert, for his writings, and particularly his writings on racketeering law.

I come before the Senate to say there has not been a finer judge proposed by the Senate Committee on the Judiciary. We are honored to have him before the Senate. I prayerfully hope none of us ever appear before him.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to use my time on two judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I have great respect for Senator MOYNIHAN and Senator SCHUMER. I know they have great affection and admiration for Mr. Lynch. In no way do I question his integrity. I do not question his legal ability. He is certainly a scholar and a person of intellect.

Except for two leaves of absence, he has been a law professor. The old rule must apply: The A students become professors; B students, judges; and C students make the money. Regardless, he has been a professor, worked on a few cases, and spent several years with the U.S. Attorney's Office prosecuting cases. By all accounts, he is a man of good personal character.

The problem I have with this nomination is that I have come to believe from his writing that he is, indeed, a judge who is an activist. There is only one opportunity for the people of this country to confront the question as to whether or not an individual nominated to be a judge will obtain a lifetime appointment. That is our role under the Constitution, to advise and consent to nominations of the President. The President has nominated Mr. Lynch. I think it is our duty, if we are not to be a potted plant or rubber stamp his record, his skill, his background, his philosophy, and see if we want to authorize him, for the rest of his life, to preside over cases, to interpret the law, to interpret the Constitution, and make major decisions in that regard. That is our question: Do we want to do that?

It would be bad to impose upon the people of New York or any other State any person who is not clearly committed to the judicial role. The judicial role is that a judge should require himself to follow the Constitution of the United States and the laws duly passed by the Congress of the United States. The Constitution is a contract. It was an instrument of agreement between the American people and the government when they formed it. They gave to the government certain limited powers. They reserved for themselves and for the States other powers. That is a fundamental principle.

I think our courts in recent years have done a little better. At one point, they were exceedingly activist. The leader of that activism crusade in the Federal courts was none other than Justice Brennan for whom Mr. Lynch clerked. Subsequent to that, he has written in the Columbia Law Review on two separate occasions. The Columbia Law Review is a prestigious law review and the Columbia Law School is a prestigious law school. One does not write for the Columbia Law Review without giving careful thought to each and every word he utilizes in that law review, even more so if he is a professor at that school.

In the course of writing these articles, Mr. Lynch made some statements that I think represent very serious indications of his philosophy and his willingness to be bound by the law and the Constitution as a judge. Take, for example, this 1984 article, ''Constitutional Law as Moral Philosophy'':

> The Supreme Court, because it is free of immediate political pressures of the sort that press on those who must face the voters, is better placed to decide whether a proposed course of action that meets short-term political objectives is consistent with the fundamental moral values to which our society considers itself pledged.

That is a very risky, dangerous statement, a carefully written statement, words Mr. Lynch chose carefully. He says the Supreme Court, because it doesn't have to answer to the American people in elections, is better placed to decide a proposed course of action that meets short-term political objectives and is consistent with moral values which our society considers itself bound.

Our Constitution is deeply rooted in our moral order and heritage, but our Constitution is a contract; our Constitution is an agreement with the people. It has specific ideas and requirements in it that I expect a judge to abide by.

To show the danger in this philosophy, let me share the example of the death penalty. The eighth amendment prohibits cruel and unusual punishment. Justice Brennan, for whom Mr. Lynch clerked, declared that the death penalty was cruel and unusual and therefore it violates the eighth amendment to the Constitution.

I suggest that is bizarre because at the time the Constitution was adopted, every State had a death penalty. There are six or more references within the very document itself, the Constitution, to a death penalty. Yet he feels it violates some sort of contemporary standards of morality. Justice Brennan used his lifetime appointment as a judge to dissent on every single death penalty case, saying it violates the Constitution, while the Constitution contemplates and says you can take life with due process in several different places.

That is judicial activism.

Mr. SCHUMER. Will the Senator yield? I am happy to yield to him some of my time.

I ask my colleague if he was aware that Professor Lynch is for the death penalty. In fact, he was questioned by Senator THURMOND, on our committee. I will read the question for the RECORD:

> Do you have any personal objection to the death penalty that would cause you to be reluctant to oppose or uphold the death sentence?

And Professor Lynch answered:

No, Mr. Chairman.

So I submit to my friend that, while Justice Brennan may have had a more broad—I tend to agree with my colleague. I am for the death penalty myself, but I tend to agree with my colleague on that issue. That is not Professor Lynch's philosophy. In fact, when one becomes a Clerk for the Supreme Court, high honor that it is, you are chosen simply on your scholastic ability, not on your ideology. I thank the Senator for yielding and letting me add that to the record.

Mr. SESSIONS. Mr. President, I think Senator SCHUMER raises a good point. I never said he opposed the death penalty. What I was trying to point out is that judges, if they desire to impose their fundamental moral values on people when they don't get elected, can end up doing things like Justice Brennan did, for which, certainly, Mr. Lynch admires him.

I have another quote I think is even more clear, a more clear indication of Mr. Lynch's willingness to utilize personal opinions—justifying judges who want to use personal opinions instead of interpreting the law. He was talking about Justice Brennan. This was in 1997, just a few years ago:

Justice Brennan's belief that the Constitution must be given meaning for the present seems to me a simple necessity; his long and untiring labor to articulate the principles of fairness, liberty, and equality found in the Constitution—

Fairness, liberty, and equality sound a little bit like the French Revolution, words they used to chop off a lot of people's heads. Our Constitution is a document of restraint. But:

. . . in the way that he believed made most sense today.

Justice Brennan's belief that the Constitution must be given:

. . . meaning for the present in the way he believed made most sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in 18th- or 19th-century dictionaries.

In the course of my time on the Judiciary Committee, I have voted for well over 90 percent of the nominees, I suppose, that the President has submitted. This Senate has confirmed a large number of them. I suggest that this may be the most dramatic example of any nominee that we have had, that they have explicitly stated that a judge has the ability to ignore the meaning of the words that were put in the Constitution. In other words, he doesn't have to use the dictionary definition of words. He doesn't have to use dictionary definitions of words. He just goes to whatever the meaning of ''is,'' is, I suppose.

In other words, there is no constraint on a judge who will not adhere to the words himself and admit that he needs to be bound by the plain words in a statute or our Constitution. He puts down the philosophy that a judge has to show restraint. Even if he did not like the constitutional provision, even if he or she did not like the statute involved, he would be bound to enforce it. It is a fundamental matter of great importance.

Just as Professor VanAlstyn, speaking at a Federal court conference a number of years ago, said:

It is absolutely critical that we enforce this Constitution, the one that we have, the good and bad parts of it.

That is what law is all about, enforcement of law that is written. Without it, we do not have justice. Professor VanAlstyn says you do not respect the Constitution if you don't enforce its plain meaning. You say the Constitution is great; it is a living document. It is not; it is on paper. It is not living; it doesn't breathe. It is a contract with the people of America about how they are going to give power to people who govern them. It is a limited grant of power to the people who govern them.

I will say this. That is another dramatic statement of a judge's ability, according to Mr. Lynch, to redefine meanings of words and to line up contemporary events, as of today, so he can impose a ruling on the people that he believes is just and fitting with community standards and moral decencies and things of that nature. That is a very dangerous philosophy. It is not the philosophy of the mainstream law in America today.

It was advocated by and probably reached its high-water mark under Justice Brennan when he tried to declare the death penalty to be in violation of the U.S. Constitution, when the Constitution provided for the death penalty. That is big-time stuff, when a Justice on the Supreme Court is prepared to say something like that and dissented on every single death penalty case based on that theory.

I suggest Mr. Lynch is a brilliant lawyer, a man of great skill, a lawyer/professor, and he knows what he means and he said what he meant when he wrote that. What else can we think? If that is so, then I believe we cannot be sure, Members of this Senate, that he would consider himself bound by the plain meaning of words, of statutes passed by this body or even more significant, not consider himself bound by the Constitution itself that was ratified by the American people to protect their liberties.

Remember, when we have a judge who believes in activism, it is at its most fundamental an antidemocratic act. It is an act that goes against democracy because we have a lifetime-appointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is asserting for himself or herself the right to declare what he or she thinks is appropriate today. ''It may not have been what they thought when they wrote that old Constitution, but things have changed today. I think today the death penalty is unconstitutional.'' That kind of philosophy is a danger. It disrespects the Constitution. It undermines the Constitution and undermines democracy.

I wish I would be able to support Mr. Lynch. I supported the overwhelming majority of the nominees, some of them maybe even more liberal than Mr. Lynch, but I haven't had anything to indicate that or I would have probably opposed them. Some I have.

This document, these law review articles are extraordinarily troubling to me. I do not think it is a minor point. I think it is a big point. I know the Senator from New York, both Senators from New York, think highly of Mr. Lynch and I respect that. But based on what I have observed, I believe his written remarks indicate he is unwilling to be bound by the law. Therefore we should not impose him on the people of New York and the United States.

I see the Senator from New York might want to comment on that before I go to the next nominee? I have one more nominee I would like to comment on.

Mr. SCHUMER. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend from Alabama for his heartfelt remarks. I understand the passion from which he comes and, while I do not agree with him completely, as those on my judicial panel will tell him, one of the things I always cross-examine them about is, Is this person going to go off and make their own law? Because I do not like that either. As I said, my three watchwords in appointing judges in my first year, and I think I have lived up to them with every nominee, are: Excellence, moderation, and diversity.

Let me just say I think Judge Lynch is clearly a moderate and he clearly is not the kind of activist that my good friend from Alabama is saying. In fact, he has criticized Justice Brennan for being ''activist'' in some of his interviews. Judge Posner noted the same about Judge lynch. Judge Posner is someone who probably agrees with the Senator from Alabama more than he agrees with the Senator from New York.

But the two quotes there that my friend from Alabama cited are snippets of articles. Two paragraphs later Professor Lynch expostulates further and greatly narrows what he has said here. Let me read a quote from the first article. I think it is important the record have it for the edification of my good friend from Alabama.

Admittedly, Professor Lynch is a professor. He has written a lot more than a lot of the other judges and, given as many writings as he has, I guess you could take two paragraphs and say: This man is a judicial activist.

If you look at the entire warp and woof of his work, as well as what he actually meant even in the two paragraphs my good friend from Alabama has mentioned, I think the Senator is not correctly stating Professor Lynch's view.

I will read a paragraph from the same article from which the previous quote

the Senator from Alabama had mentioned appears. This is what Professor Lynch says a few paragraphs later:

It is the text itself that embodies and defines what has been agreed on. What survived the rigorous ratification process to become fundamental law, after all, was not what Madison or Bingham believed in his heart, or even what they said on the floor of the Convention or the House, but rather what was contained in the text of the ratified provision. Thus, the text is not merely evidence from which the mind of the (perhaps partly mythological) lawgiver should be deduced; rather, the text is the definitive expression of what was legislated.

I will repeat that again for my colleague from Alabama:

. . . the text is the definitive expression of what was legislated.

That is hardly the writing of somebody who wants to go far, far afield. As I mentioned, the example my good friend from Alabama keeps hearkening back to is the death penalty and the way Justice Brennan interpreted it. If Professor Lynch agreed with that, I would say the Senator from Alabama had a point, but he explicitly disagrees and has criticized Justice Brennan as being too active.

The second quote Senator SESSIONS focuses on, the quote before us on the chart, comes from a tribute to the memory of Justice Brennan that Professor Lynch, who clerked for Justice Brennan after graduating from law school, wrote in 1997. Again, in the context of the whole essay, Professor Lynch's point is noncontroversial. He is writing here about what a judge is to do when the broad language in the Constitution does not speak to a modern-day issue. We are not talking about expanding but interpreting the spirit of the Constitution.

I say to my colleague from Alabama, when the fourth amendment speaks of unreasonable searches and seizures and says nothing about wiretaps of telephones or the Internet, it does not mean the judges are unable to interpret what search and seizure means in the context of telephones or wiretaps. That is all Professor Lynch is saying.

He is saying judges must look at the text and the values underlying the text and interpret both in light of developments of the present. Do not expand what unreasonable searches and seizures are, rather interpret them in light of new changes in technologies, such as telephones. Otherwise, the Constitution—and I am sure my colleague from Alabama can admit this—would be largely irrelevant to today's legal problems.

Moreover, Professor Lynch was asked at his nomination hearing about this article by Senator THURMOND. Here is what he said. His response was unequivocal:

I believe, Mr. Chairman, that the starting place in interpreting the Constitution is with the language of the document. As with the legislation passed by the Congress, it is the wording of the Constitution that was ratified by the people and that constitutes the binding contract under which our government is created.

In attempting to understand that language, it is most important to look to the original intent of those who wrote it and the context in which it was written.

It seems to me, and I did not realize it until I read this paragraph again, those are the exact words my good friend from Alabama mentioned as his views of what the Constitution is all about: Not some document that expands at the whim, wishes, or ideology of the judge but rather a written contract, words, black and white with the American people. Judge Lynch—I do not want to presume anything here, particularly in this Chamber—Professor Lynch makes, in fact, the same point that my good friend from Alabama did.

The PRESIDING OFFICER. The time of the proponents of the nomination has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that 1 additional minute of Senator LEAHY's time on another judge where there is not going to be any contest or discussion be given to me. I am not expanding the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank Senator LEAHY in absentia for allowing me to do that. I hope he is not upset.

It is certainly the prerogative of my good friend from Alabama to interpret snatches of text from book reviews and tributes to conclude that maybe Professor Lynch has a judicial philosophy with which he disagrees, but this is the definitive and current statement on the issue by the nominee, and I think it prevails.

In conclusion, if Professor Lynch is confirmed, I believe Senator SESSIONS and I—and I have enjoyed working with him on so many issues—will look back 5 or 10 years and both approve of the work Judge Lynch has done, admire his faithfulness to the words of a document we both regard as sacred—and I believe he does as well—the Constitution, a document we are all sworn to uphold. I yield back any time and thank my colleague for the dialog and for making us think and explore as he always does.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. What is the time left on the Lynch nomination?

The PRESIDING OFFICER. The Senator from Alabama has 4 minutes.

Mr. SESSIONS. Mr. President, I note that Mr. Lynch's words are pretty explicit and leave little doubt. I am pleased to see before his hearing—talk about a death-bed conversion. His testimony sounds somewhat improved over the language here, but it does concern me when he dismisses concepts such as actually looking at dictionaries that refer to the time of the people who wrote the document and review words to see what they actually were intended to mean.

That is what a judge really ought to do, and Mr. Lynch dismisses that almost with contempt. We have to consider it awfully dangerous when a judge feels the principles of the Constitution of liberty, equality, and fairness are in the Constitution when that phrase is really not in the Constitution, and the danger of those words are they are great ideals, but they are general; they have no definitiveness, and they give a platform for a judge to leap off into different issues about which he may personally feel deeply and simply do so on the basis that it is fair or it is a question of equality: This is fairness so I will just rule this way.

We have preserved our Nation well by insisting that our judiciary remain faithful to the plain and simple words of the Constitution and the statutes involved.

NOMINATION OF TIMOTHY B. DYK

Mr. SESSIONS. Mr. President, I will use what time I have remaining on the Lynch nomination for the Dyk nomination, and I will yield the floor to Senator SMITH who wants to speak.

Mr. Dyk has been nominated to the Federal circuit here in Washington. Mr. Dyk is a good lawyer, apparently with a good academic background, and has certain skills and abilities that I certainly do not dispute. I do not have anything against him personally, but I do have serious concerns about this court. I do not believe we need another judge on this court.

The Federal circuit is a court of limited jurisdiction. It handles patent cases and Merit Systems Protection Board cases, certain international trade cases, and certain interlocutory orders from district courts. It is a specialized court and does not get involved in too many generalized cases.

We have analyzed the caseload of this circuit. I serve on the Administrative Oversight and Courts Subcommittee of the Senate Judiciary Committee with Senator CHUCK GRASSLEY, who is chairman. I have been a practicing prosecutor for 15 years in Federal court before Federal judges; that is where I spent my career. I know certain judges are overwhelmed with work, and I have observed others who may not be as overwhelmed with work.

I will go over some numbers that indicate to me without doubt that this circuit is the least worked circuit in America. It does not need another judge, and I will share this concept with fellow Members of the Senate.

They handle appeals in the Federal Circuit, appeals from other court cases and boards. In 1995, there were 1,847 appeals filed in the Federal Circuit. Four years later, in 1999, that number had fallen to 1,543 appeals, a 16-percent decline in cases filed.

Another way to look at the circuit is how many cases are terminated per judge. The Administrative Office of Courts provides a large statistical report. They analyze, by weighted case factors, judges and cases by circuits and districts and so forth. It is a bound volume. They report every year. The numbers are not to be argued with.

The Federal Circuit has by far the lowest number of dispositions per

judge. The Federal Circuit has 141 cases per judge terminated. There are 11 judges now on that circuit. As a matter of fact, those 141 cases were when the court had 10 judges. We now have 11 judges on that court, and we are talking about adding Mr. Dyk, who would be the 12th judge on that court, to take the numbers down even further.

The next closest circuit is a circuit that is also overstaffed—the D.C. Circuit. I have opposed nominees to the D.C. Circuit in Washington. Oddly enough, both the circuits that I believe are overstaffed and underworked are located in this city. The average case dispositions for a circuit judge in America are more than double that. Let me provide some examples.

The Third Circuit average number of terminations per judge is 312; the Fourth Circuit, 545; the Fifth Circuit, 668—that is four times what the Federal Circuit does—the Seventh Circuit, 352; Eighth Circuit, 440; Ninth Circuit, 455, the Tenth Circuit, 350; the Eleventh Circuit—my circuit, Florida, Alabama, and Georgia—820 cases, compared to 141. That is six times as many cases per judge in the Eleventh Circuit as in the Federal Circuit.

The taxpayers of this country need to give thought to whether or not we need to add a judge to this circuit. It is pretty obvious we ought to consider that. Terminations per judge on the Federal Circuit represent only 17 percent of the cases terminated by a judge on the Eleventh Circuit.

Senator GRASSLEY issued a report on March 30, 1999, ''On the Appropriate Allocation of Judgeships in the United States Court of Appeals.'' The report assessed the need to fill one vacancy on the Federal Circuit. The court already had 11 active judges of the 12 authorized.

The Federal Circuit also had five senior judges at that time. Senior judges contribute a lot to the workload. That is a pretty high number. Almost half as many judges are senior judges who come in on a less-work level. They don't handle the most important en banc cases, but they participate in drafting opinions. They have law clerks. Many of them do almost as many cases as an active judge. So they have five senior status judges. Maybe it is down to four now, but at that time there were five senior judges.

The Grassley report states:

> In fact, the current status of the circuit actually supports the argument that the court could do its job with a smaller complement of 11 judges. As such, the case has not yet been made that the current vacancy should be filled.

That remains true today. The Federal circuit has 11 active judges now and 4 senior judges.

On the issue of the cost of a judgeship, people ask, how much does it cost to add another judge? Just add a judge and pay his salary, $140,000, $150,000 a year? That is not too bad. However, the actual cost of a Federal judge is $1 million annually. They have two, three law clerks, secretaries, office space, libraries, computers, travel budgets, and everything that goes with being a Federal appellate judge. It is an expensive process. That number is a legitimate number, 1 million bucks.

We have judges in this country who are working night and day, but this circuit is not one of them. Before we do not fill some of those vacancies, before we do not add new judges to some of those districts—and it is not that many, but some are really overworked—we ought to think about whether we ought to continue a judge where we don't need one.

The Grassley report also dealt with the problem of having more judges than you need, sort of a collegiality question. The report said:

> Judge Tjoflat [chief judge at the Eleventh Circuit at one time] testified that some scholars maintain that a ''perfect'' appellate court size is about 7 to 9 judges, and when a court reaches 10 or 11 judges, ''you have an exponential increase in the tension on the court of the ability of the law not to be certain.'' Judges claimed that there is a marked decrease in collegiality when the appeals court is staffed with more than 11 or 12 judges. Chief Judge Posner of the Seventh Circuit thought that with 11 judges, the Seventh Circuit was ''at the limit of what a court ought to be'' in terms of size.

The Seventh Circuit had more than twice as many cases per judge as the Federal Circuit does today.

The Grassley report further stated there is a consistency cost with expanding courts:

> Not only is there a loss in collegiality the larger a court becomes, there is also an increase in work required by the judges to maintain consistency in the law. Judge Wilkinson felt that more judges would not lighten the burdens of a court, but would actually aggravate these burdens further.

The Federal Circuit, to which this judge would like to be appointed—and it would be a good position to draw that big Federal judicial salary and have the lowest caseload in America—has the lowest terminations per judge of any circuit court of appeals. It has a 16-percent decrease in overall caseload, with a clear recommendation from the Grassley subcommittee report that there is not a need to add another judge to this circuit.

I suggest that we not approve this judge, not because he is not a good person but because we don't need to burden the taxpayers with $1 million a year for the rest of his life to serve on a court that doesn't need another judge. In fact, they could probably get by with two or three fewer judges than they have right now and still have the lowest caseload per judge in America.

We don't have money to throw away. People act as though a million dollars isn't much money. A million dollars is a lot of money where I came from. I think we ought to look at that and put our money where we have to have some judges. There are some of those areas.

I thank the Chair for the time to express my thoughts on the Dyk matter and yield the remainder of my time to Senator SMITH from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

The PRESIDING OFFICER. Nineteen minutes remain for the Senator from Alabama. Fifteen additional minutes are under the control of the Senator from Utah.

Mr. SMITH of New Hampshire. Mr. President, I rise today in opposition to the nominations of both Mr. Dyk and Mr. Lynch. But I also rise to briefly discuss the role of the Senate in judicial nominations, the issue of advice and consent. What is the appropriate role for the Senate? Should we be out here opposing nominations? You can be criticized for it because they say: Well, the President is in the other party; therefore, every time you oppose a nomination, it is for political reasons.

The truth is, by either voting for or not asking for a recorded vote, I have allowed many Clinton nominees to move forward. But I think we have an obligation under the advise and consent clause of the Constitution that if we don't think the judge is qualified to be on the Court, or perhaps he or she is too much of an activist and not really upholding the Constitution as it was written, then I think we have an obligation to say that.

It is with some reluctance I must do that. That is my view. When I say ''qualified,'' we don't merely look at the educational background of the nominee or to the employment history to understand qualifications. I am more interested in the judicial philosophy: Is this nominee going to be an activist judge for one issue or another? Whether conservative or liberal, is that the purpose of a judge—to go on the Court and be an activist for some particular issue—or is it more appropriate for the judge to go on the Court and be an activist for the Constitution of the United States and interpret that Constitution correctly? The latter is what I believe is the appropriate thing to do.

As a member of the Judiciary Committee, I have searched through many of the nominees this President has sent forward. I must say I am shocked at the amount of judicial activists. We have had some great clashes in this body on Presidential nominees for the Court—Robert Bork, to name one, and Clarence Thomas was another. It seems that when the liberal side of the aisle goes after a judge, it is always appropriate, but if we go after a judge because we think he or she is too far to the left in terms of activism, then, of course, it is wrong.

But article II, section 2, of the Constitution states that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.'' That means the lower courts, to put it in simple terms.

The Senate is not a rubber stamp for any nomination, nor should it be. We

have a right to speak out, and I specifically, along with Senator SESSIONS, asked for a recorded vote in the case of Mr. Dyk and Mr. Lynch because I believe the Senate should go on record. Sometimes if the nominees are not controversial but simply share a different philosophical view from mine and are not activist, and based on their background I believe they will look at the Constitution as fairly as possible, in an objective manner, I don't object to those nominees.

I don't expect President Clinton to appoint a judge I might appoint. I respect that, and I understand that. That is not the reason for the advise and consent clause, to simply disapprove every single nominee because you disagree with the President's politics.

The framers of our Constitution settled on a judicial selection process that would involve both the Senate and the President. Remember, these are lifetime appointments. There is no going back, unless some horrible thing happens in terms of malfeasance, where the judge is impeached. But for the most part, a judicial appointment is lifetime. A Federal judge is a Federal judge for life. So if a few of us come down to the Senate floor, as Senator SESSIONS and I have done, and talk about these nominees, I don't think that is so bad. They are appointed for life. So if we have concerns, I think they should be raised. That is legitimate on either side of the aisle.

Nominees who are a danger to the separation of powers, who have shown evidence of legislating from the bench, those are the kinds of nominees to whom I am opposed. I am not opposed to nominees based on a President's political philosophy. I am opposed to nominees who have shown evidence of legislating from the bench. That is a very important point to make.

I might also say, before discussing specifically the two nominees just for a moment, that there is some irony in this debate today because this is the first time nominations have come before the Senate for a vote since the President of the United States has been recommended for disbarment as an attorney by the State of Arkansas. Now, I don't know if that has happened in American history before. I don't believe so. So I think I am correct in saying this is the first time in American history that a sitting President has been recommended for disbarment from the State he came from, and then that same President is submitting nominees to the courts in our land.

I do not mean to imply anything by this in terms of the qualifications of the nominees, about their conduct in office or anything such as that. That is not the intention. The intention here is to point out that it is somewhat ironic that a man who showed total disregard for the law, according to the law in the State of Arkansas, would now be sending judges up to the Senate for approval. So I bring this to the attention of my colleagues because it is the first time in American history this has ever happened. We are standing here in judgment of people who are appointed by a President who has been recommended for disbarment.

The Arkansas bar, as you know, a day or so ago recommended this. A committee of the Arkansas Supreme Court recommended this past Monday that the President be disbarred because of ''serious misconduct'' in the Paula Jones sexual harassment case. A majority of the panelists who met Friday to consider two complaints against the President found that the President should be disciplined for false testimony about his relationship with Monica Lewinsky, the Arkansas Supreme Court said. He was, indeed, fined by another judge from Arkansas for lying under oath.

So it is ironic we are debating the qualifications of many fine jurists, frankly, before us today, and in the newspapers we read about how our President is facing disbarment. So it is a unique situation we face here and one I want everybody to understand.

We break a lot of ground here. We do a lot of things that have never been done before. We had an impeachment trial in the Senate a few months ago. The Senate, in its infinite wisdom, said the President was not guilty, but the Arkansas bar said otherwise. So it is a very interesting twist of fate that now nominees are being sent to the Senate by a man who is recommended for disbarment, and probably will be disbarred, from the practice of law in the State of Arkansas.

Let me conclude on a couple of points on the nominees. I have spent a lot of time on the nomination of Timothy Dyk, and I am very much opposed to Mr. Dyk being a District Judge for the U.S. Circuit Court of Appeals for the Federal Circuit. Some of the material I looked at I am not going to go into on the Senate floor. But a couple of things in which Mr. Dyk was involved concerned me.

In a Washington Post article appearing in May of 1984, the Post reported that Timothy Dyk ''agreed to work for free for the anti-censorship lobby, People for the American Way, to sue the Texas Board of Education over the board's 10-year-old rule that evolution be taught as ''only one of several explanations of the origins of mankind.''

People for the American Way is pretty much a liberal activist, anti-Christian group that seeks to rid public education of any mention of God at all in its educational language and literature, or in schools.

The president for the People for the American Way, Ralph G. Neas, spoke in January of 1999 about his vision of the People for the American Way. Listen to what he said because you have to remember that Mr. Dyk worked for them pro bono, for nothing. Mr. Neas said:

> As you may know, People for the American Way has always carefully monitored the radical religious right and its political allies.

Mr. Neas believes that most if not all Republicans are members of the ''radical right.''

He further said:

> The effort by some elements of the conservative religious and political movements to undermine support for public education goes back decades before Phyllis Schlafly and Gary Bauer and Pat Robertson came on the scene, before the days of the Heritage Foundation, back before Newt Gingrich and the Contract with America.

As you can see by his comments, People for the American Way is now and has always been an anti-Christian, anti-conservative organization.

He continues by attacking ORRIN HATCH, Governor George Bush, and Senator JOHN MCCAIN for supporting schooling voucher legislation.

Let me repeat that. He attacked Senator JOHN MCCAIN, Senator ORRIN HATCH, and Governor George Bush for supporting school vouchers.

I guess Timothy Dyk might turn out to be one of the greatest judges in the history of the world, for all I know. I can't predict that. I am not in the business of predicting the future. I am trying to take a look at what I have before me to make a decision on whether or not a person is fit to be on the court.

I understand that the U.S. Chamber of Commerce is a staunch supporter, but I have to vote no because I don't believe that a potential judge who uses that kind of language and who makes those kinds of decisions with those kinds of organizations on a pro bono basis is the kind of person I want on the court.

I must say that there are thousands of judges—and thousands of people who want to be judges—all over America who serve, do it honorably, and interpret the Constitution as fairly and as equitably as possible.

Why is it that time and time again before this body come these outrageous judicial activists appointed by this President? Some have said, well, the other side of the aisle gave you a lot of judges during the Bush administration. A lot of those judges, if not most, were not judicial activists.

It is one thing to have a different philosophical view and to be nominated by a President of a different philosophical view. We are not interested in philosophy on the Supreme Court, or on any court. We are interested in supporting the Constitution and interpreting the Constitution the way the founders would have wanted us to do it. They are not your activists. I don't care about your activists. But I think when you hear people representing on a pro bono basis—for no money; you are doing it because you want to do it; you are not getting paid—there is a difference. When somebody retains you as a lawyer, you have every right to do that. That is the American way, and you have every right to do it pro bono. But it tells you about somebody when they represent somebody pro bono. Terrorists were represented pro bono by Mr. Dyk.

I think when you are looking at these things, you have to say to yourself, well, these are the people with whom he wants to surround himself with pro bono services. I guess I have to ask, isn't there anybody out there somewhere that we could have as a nominee who doesn't have to be out there talking about and criticizing Members of the Senate because they support school vouchers and are representing groups that do that, or even on the issue of evolution? I think it is going too far. I think it is sad, frankly, that we have to deal with it.

The other nominee before us who has been talked about already is Gerald Lynch for the Southern District of New York. The reason I oppose his nomination is for the same reasons.

As my colleague, Senator SESSIONS, quoted, Attorney Lynch wrote:

> Justice Brennan's belief that the Constitution must be given meaning for the present seems to me a simple necessity; his long and untiring labor to articulate the principles of fairness, liberty, and equality found in the Constitution in the way that he believed made most sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in eighteenth or nineteenth-century dictionaries.

That is a pretty legalistic phrase. Let's put it in English. It means what the founders said in the 1700s isn't relevant. It is not relevant. It is relevant today. What is relevant today is relevant today. And, frankly, the Constitution those guys wrote in the late 1700s doesn't apply to us today. The Constitution is not the same. It is totally wrong.

Why is it that we criticize those who wrote the Constitution when we attribute time and time again to some great people who profess to be scholars on the Constitution? They come down here on the Senate floor saying: You know, the founders didn't mean that; that isn't what they meant; they didn't mean to say that; if you look at it literally, it does not mean that.

When you go back and find the comments of the founders, over and over again the founders say exactly what they meant. Not only did they write it in the Constitution but they explained it in their own words in the debate. And they still say they didn't mean what they said.

I think if you find a document that was written by somebody and then you find the explanation, and it says what they meant—they said, ''This is what I meant''—that is pretty obvious.

I think we are seeing evidence here again of a person who will be another judicial activist who is going to say the Constitution isn't relevant today, so, therefore, I can put my interpretation into the Constitution. That is the kind of nominees that we are talking about here. This is very troubling.

That is why I rise today to oppose both the nominations of Timothy Dyk and Gerard Lynch, and I will also oppose a couple of other nominees in the future.

Mr. LEAHY. Mr. President, I am delighted to support the confirmation of Jerry Lynch to the District Court for the Southern District of New York. Professor Lynch is the Paul J. Kellner Professor of Law at Columbia Law School, the outstanding law school from which he received his law degree in 1975. He began his legal career by clerking on the Second Circuit Court of Appeals for Judge Feinberg and then on the United States Supreme Court for Justice Brennan.

He served as an Assistant U.S. Attorney in the Southern District of New York back in the early 1980's and as the Chief Appellate Attorney for that office. In 1990 he returned to the office at the request of President Bush's U.S. Attorney to head the Criminal Division of that office.

Even his opponents must describe him as ''a man of personal integrity and a man of considerable legal skill.'' That he is. He is also a person who served as a prosecutor during two Republican Administrations.

Professor Lynch is well aware that he has been nominated to the District Court and not to the United States Supreme Court and that he will be bound by precedent. He has committed to follow precedent and the law and not to substitute his own views. In his answers to the Judiciary Committee, he wrote:

> There is no question in my mind that the principal functions of the courts is the resolution of disputes and grievances brought to the courts by the parties. A judge who comes to the bench with an agenda, or a set of social problems he or she would like to ''solve,'' is in the wrong business. In our system of separation of powers, the courts exist to apply the Constitution and laws to the cases that are presented to them, not to resolve political or social issues. The bulk of the work of the lower courts consists of criminal cases and the resolution of private disputes and commercial matters.

In fact, in specific response to written questions from Senator SESSIONS, Professor Lynch wrote that he understands that the role of a district court judge requires him to follow the precedents of higher courts faithfully and to give them full force and effect, even if he personally disagrees with such precedents.

His opponents excerpt a couple lines of text from a 1984 book review and a eulogy to his former boss, Justice Brennan, rewrite them and argue that their revisions of his words indicate a judicial philosophy that he will not enforce the Constitution but his own policy preferences. They are wrong.

I have read the articles from which opponents excerpted out of context a phrase here and a phrase there to try to construct some justification for opposing this nominee. In his 1984 book review, Professor Lynch was criticizing a book that defended the legitimacy of constitutional policymaking by the judiciary. That's right: Professor Lynch was on the side of the debate that criticized personal policymaking by judges and counseled judicial restraint.

Professor Lynch criticized the author for a ''theory justifying judges in writing their own systems of moral philosophy into the Constitution.'' Nonetheless, opponents of this nominee turn the review on its head, as if Professor Lynch were the proponent of the proposition he was criticizing.

These opponents take a throw-away line out of context from the book review and miss the point of the review. What his critics miss is the fact that Professor Lynch argued against the Supreme Court being the politically activist institution that the book he is criticizing seeks to justify. Professor Lynch argues against judges, even Supreme Court Justices, becoming moral philosophers. He writes, following the excerpt on which his critics rely:

> [N]either of these claims has force when the Court speaks through the medium of moral philosophy. First, there is little reason to expect judges to be more likely than legislators to reach correct answers to moral questions. After all, judges possess no particular training or expertise that gives them better insight than other citizens into whether abortion is a fundamental right or an inexcusable wrong. Disinterestedness alone does not determine success in intellectual endeavor. . . .

Ignored by his critic is also the written answer that Professor Lynch furnished Senator SESSIONS explaining what he meant by the statement that is being misread and misinterpreted, again, by his opponents. Professor Lynch explained:

> The quoted statement comes from a book review in which I sharply criticize a book that makes the claim that courts have authority to enforce moral principles of its own choosing, a position I do not share. In the quoted passage, I was attempting to explain why the Supreme Court is given power to enforce the text of a written Constitution.

The other quote being criticized is taken from a short memorial to Justice Brennan, a man for whom Professor Lynch had clerked and whom he respected. The memorial was apparently written just after Justice Brennan's funeral. Professor Lynch wrote of Justice Brennan's humanity and his patriotism. Nonetheless, it appears that even this statement of tribute to a departed friend is grist for the mill of opponents looking for something they can declare objectionable.

Ignored by opponents is the direct response to Senator SESSIONS' question about the eulogy for Justice Brennan. Professor Lynch responded to Senator SESSIONS:

> The statement quoted comes from a eulogy to Justice Brennan on the occasion of his death. I do not believe that good faith attempts to discern the original intent of the framers are dishonest or dishonorable. Judges and historians daily make honorable and honest attempts to understand the thoughts of the framers.
>
> Too often, however, the history that lawyers present to courts is deliberately or inadvertently biased by the position that lawyers as advocates would like to reach, and such resort to partial and limited sources can be used to support results that accord with policy preferences. While Justice Brennan took positions that can be criticized as activist, it

is generally agreed that he was forthright in stating his approach.

Likewise ignored is Professor Lynch's statement to Senator SESSIONS: ''The judge's role is to apply the law, not to make it.''

Also ignored are the acknowledgments by Professor Lynch in the course of the memorial itself that the ''charge that Justice Brennan confused his own values with those of the Constitution does capture one piece of the truth'' and that the ''problem, and here is the heart of the argument against Brennanism, is that there will always be different interpretations of what those core shared values mean in particular situations.'' I commend Professor Lynch for his candor.

It is sad that Senators have come to oppose nominees and the Senate has refused to move forward on nominees because they clerked, as young lawyers just out of law school for a certain judge or because clients they represented during the course of their practice and while fulfilling their professional responsibilities had certain types of claims and charges against them or brought certain types of claims. That is what underlies the opposition to both this highly qualified nominee and to Fred Woocher, a nominee to an emergency vacancy on the District Court for the Central District of California.

Mr. Woocher participated in a confirmation hearing last November and has been denied consideration by the Judiciary Committee for more than six months. Mr. Woocher has had a distinguished legal career and is fully qualified to serve as a District Judge. But Mr. Woocher clerked for Justice Brennan after his academic studies at Yale and Stanford.

Apparently, Senators who are holding up consideration of Mr. Woocher likewise believe that those who do not favor the conservative activism of Justice Scalia or Chief Justice Rehnquist should oppose the appointment of people who clerked for such jurists. Certainly that is the point that they are establishing by their opposition to these outstanding nominees.

Any Senator is entitled to his or her opinions and to vote as he or she sees fit on this or any nominee. But the excerpts relied upon by opponents of Professor Lynch, from over 20 years of writing and legal work, do not support the conclusion that Professor Lynch is insensitive to the proper role of a judge or that he would ignore the rule of law or precedent. To charge that Judge Lynch would consider himself not to be bound by the plain words of the Constitution is to misperceive Jerry Lynch and ignore his legal career.

With respect to the unfounded charge that Professor Lynch would interpret the Constitution by ignoring its words, that is simply not true. Here is what Professor Lynch told Senator THURMOND at his confirmation hearing:

I believe, Mr. Chairman, that the starting place in interpreting the Constitution is with the language of the document. As with legislation passed by the Congress, it is the wording of the Constitution that was ratified by the people and that constitutes the binding contract under which our Government is created.

In attempting to understand the language, it is most important to look to the original intent of those who wrote it and the context in which it was written. At the same time, with respect to many of those principles, the Framers intended to adopt very broad principles. Sometimes the understanding of those principles changes over time.

In truth, the opposition to this nomination seems to boil down to the fact that Professor Lynch clerked for Justice Brennan, a distinguished and respected member of the United States Supreme Court, more than 20 years ago.

In light of the arguments made by the Senator of Alabama on the workload of the Federal Circuit, I wanted to add to the RECORD the letter from the Chamber of Commerce to the Subcommittee on Administrative Oversight and the Courts from last summer. Although these statistics are as out of date as those used by the Senator from Alabama, the letter makes several important points. The caseload of the Federal Circuit is not inflated by prisoner cases but is filled with complicated intellectual property cases and other complex litigation. I ask consent to print the August 1999 letter from the Chamber of Commerce 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, August 3, 1999.

Hon. CHARLES E. GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: This letter again urges that the Judiciary Committee promptly consider the nomination of Timothy Dyk for the Federal Circuit and that that nomination be reported out of Committee before August recess. It has been almost sixteen months since Mr. Dyk was first nominated to the Federal Circuit, it has been nearly a year since he was first voted out of Committee. So far as the Chamber is aware, he is the only judicial nominee voted out of Committee last year who has been scheduled for a second hearing. We urge that a second hearing is unnecessary.

We understand that the principal concern about Mr. Dyk's nomination now relates to the need to fill the vacancy. There are now not one, but two vacancies on the Federal Circuit. We recommend that Mr. Dyk's nomination be acted upon promptly so that the Federal Circuit will not be seriously understaffed.

The question about the need to fill the vacancy was considered in the March 1999 Report on the Appropriate Allocation of Judgeships in the United States Courts of Appeals. The Report generally agrees that ''the best measure of when a court requires additional judges is how long it takes, after an appeal is filed with a court, to reach a final decision on the merits.'' (p.5) The Report also states that: Over the last five years, the Federal Circuit's ''mean disposition is the lowest of any circuit court. . . .''

But the Report's comparison between the Federal Circuit and the other Circuits is a comparison of apples and oranges. The Federal Circuit data appear to have been computed using a ''mean'' or average number, while the data for the other Circuits was computed using a median number. Over the most recent five-year period (1994–1998), using median data, the disposition time for the Federal Circuit exceeded that for the Second, the Third and the Eighth Circuits. The most recent data (for 1998) show that the median disposition time for the Federal Circuit equals or exceeds that from four other Circuits (the First, Third, Eighth and District of Columbia). Moreover, the median disposition time for the Federal Circuit increased 20%; from 7.9 months in 1994 to 9.5 months in 1998. These data directly support acting on the pending nomination.

To be sure the Federal Circuit has a smaller numerical caseload than other Circuits because the Federal Circuit, as Congress prescribed, does not hear criminal or prisoner cases. But it does have a heavy (and increasing) docket of intellectual property cases and other forms of complex litigation.

Congress intended to give the Federal Circuit exclusive jurisdiction over patent cases, and to be the court of last resort in the vast majority of those cases. (Supreme Court Review is unlikely because there can be no conflict with another Circuit). Under these circumstances, it is critical to the Congressional design and to the business community that the court not give short shrift to these important cases. There is a substantial risk that if the Federal Circuit is understaffed, and limited to ten judges, it will not have time to give these cases the attention that they deserve. The Chamber, as well as business-organizations such as Eastman Kodak, Ingersoll Rand and Lubrizol, expressed this concern to the Committee.

Finally, we understand Senator Grassley's concern that the Federal Circuit does not have a formal mediation program. We note that Mr. Dyk, in his first hearing, supported the creation of such a program, and that he has extensive experience in mediating intellectual property cases. He could make it important to the Court in that area, and we urge that the Court be allowed to secure the benefit of Mr. Dyk's services as soon as possible.

Sincerely,

LONNIE P. TAYLOR.

Mr. KOHL. Mr. President, I rise to support the long overdue confirmation of Tim Dyk to the Federal Circuit. The Judiciary Committee reported out Mr. Dyk in 1998 by an overwhelming, bipartisan margin. Unfortunately, Mr. Dyk's nomination died a slow death last Congress, as he waited in vain for confirmation by unanimous consent or, in the alternative, at least a floor vote.

This Congress, Mr. Dyk has had wait yet another year and a half for Senate consideration after his renomination and second overwhelming Judiciary Committee approval. This delay has been unfair to Mr. Dyk and his family, who have had to put their lives on hold as he awaits confirmation. It has also been unfair to the Federal Circuit, which will be enormously enhanced by his ascension. We are lucky Mr. Dyk was willing to wait; other outstanding candidates, however, may be dissuaded from making the already arduous sacrifices necessary to serve in the federal judiciary.

Finally, it now appears that Mr. Dyk is reaching the end of his long road to

confirmation and will soon take his deserved seat on the bench. He is an excellent candidate—a graduate of Harvard College and Harvard Law School, a law clerk to Chief Justice Earl Warren on the Supreme Court, and a litigator with a long, distinguished practice and a history of public service.

I strongly support this nominee and urge my colleagues to join me in supporting his confirmation.

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. 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.

NOMINATION OF BRADLEY SMITH

Mr. MCCONNELL. I yield myself whatever time I consume.

Mr. President, I begin my comments by rebutting some of the points made by colleagues on the other side of the Brad Smith nomination. One of the quotes used against Professor Smith out of context was that he said:

> The most sensible reform is the repeal of the Federal Election Campaign Act.

Using this quotation to imply that Professor Smith would repeal the FECA exemplifies the meritless arguments being used to block the nomination of the most qualified FEC nominee in the history of the Federal Election Commission.

When this statement is read in context and the ellipsis are removed, it is clear that Professor Smith is only talking about the contribution limits in the Federal Election Campaign Act. On that point he is in pretty good company: Chief Justice Warren Burger and Justice Hugo Black also held that view. Justices Scalia and Thomas hold that view. Professor George Priest of the Yale Law School, Professor John Lott of Yale Law School, Dean Kathleen Sullivan at Stanford Law School, Dean Nelson Polsby at George Mason Law School, and former Solicitor General and Justice of the Massachusetts Supreme Court and now Harvard law professor, Charles Fried, have all espoused this view on campaign contribution limits.

I assume all of them would by that argument be barred from serving on the Federal Election Commission. Of course, they would not be barred from serving on the Federal Election Commission, and neither should Professor Smith.

In holding this view, Mr. Smith is no more in disagreement with the law than the Brennan Center and Common Cause, Professor Neuborne, and others who think the law should allow expenditure limits. These people at the Brennan Center and Common Cause advocate a position contrary to the law as declared by the Supreme Court in Buckley and affirmed in Shrink PAC. Under the standard being applied to Mr. Smith, all of them are barred also from serving on the FEC. Clearly, that would be an absurd result.

The Democratic nominee before the Senate, Mr. McDonald, disagrees even more sharply with the Supreme Court than Professor Smith. In open and recorded meetings of the FEC on August 11, 1994, in response to a recitation of election laws interpreted by the Supreme Court, Mr. McDonald declared: The Court just didn't get it.

He doesn't care what the courts say. Clearly, we can't confirm him if disagreement with the law disqualifies an FEC nominee. If there is anyone who has displayed contempt for the law, it is Danny McDonald, not Brad Smith.

Mr. Smith has acknowledged that his view that there should be no contribution limits is no more the law than is the view of the Brennan Center and Common Cause and some of my colleagues that there should be expenditure limits. Moreover, he has made clear he would have no problem enforcing contribution limits.

When asked if he would pledge to uphold his oath, he said he would proudly and without reservation take that oath, and everyone who knows him, including Dan Lowenstein, former national board member of Common Cause, has no doubt that Brad Smith will faithfully enforce the laws written by Congress and interpreted by the courts.

Professor Smith's detractors fail to note that he has made clear in his testimony before the Rules Committee that if the Shrink Missouri case had been a Federal case and come before the FEC for an enforcement action, he would have had no problem voting for enforcement action in that kind of case.

So the notion that Smith ignored Shrink PAC in his testimony is completely unfounded. I refer my colleagues to page 40 of the Rules Committee Hearing Report dated March 8 of this year. Opponents argue Professor Smith says problems with election law have been ''exacerbated or created by the Federal Election Campaign Act'' as interpreted by the courts.

So what? Supreme Court Justices have expressed concern that the Federal Election Campaign Act as interpreted by the courts has had unintended consequences which have exacerbated or created problems with our campaign finance system. The Supreme Court Justices have said that. In Shrink PAC, Justice Kennedy opined: It is the Court's duty to face up to adverse, unintended consequences flowing from our prior decisions.

He goes on to assert, FECA and cases interpreting it have ''forced a substantial amount of political speech underground.'' Noting the problems created by the Federal Election Campaign Act, Justice Kennedy explained that under existing law ''issue advocacy, like soft money, is unrestricted—see Buckley at 42 to 44—while straightforward speech in the form of financial contributions paid to a candidate, speech subject to full disclosure and prompt evaluation by the public, is not * * * This mocks the First Amendment. Our First Amendment principles surely says that an interest thought to be the compelling reason for enacting a law is cast into grave doubt when a worse evil surfaces than the law's actual operation.

In my view, that system creates dangers greater than the one it has replaced.

So, I guess this passage would disqualify Justice Kennedy of the Supreme Court from serving on the Federal Election Commission. So, are we to punish Professor Smith for telling the truth? Professor Burt Neuborne of the Brennan Center has written that at least three extremely unfortunate consequences flow from Buckley.

Neuborne also writes that:

> Reformers overstate the level of downright dishonesty existing in our political culture; furtherer deepening public cynicism.

Then is Professor Neuborne prohibited from serving on FEC? We all know that many of the problems with the current system are caused by excessively low contribution limits. President Clinton, other Democrats, and many people from my own party have publicly acknowledged this reality and the need for raising hard money limits. So I guess all of those folks would also be disqualified from serving on the FEC.

Professor Smith is opposed also because he has written that the Federal election law is profoundly undemocratic and profoundly at odds with the first amendment.

It has been said that Professor Smith is unfit for the FEC because he believes that the Federal election law is profoundly at odds with the first amendment. Quoting his 1995 policy study from Cato Institute:

Here is the Supreme Court in Buckley. Justice Brennan, in fact, who is known to have written the opinion:

> The Supreme Court's decisions in Mills v. Alabama and Miami Herald Publishing v. Tornillo held that legislative restrictions on advocacy of the election and defeat of political candidates are wholly at odds with the first amendment.

So, now we are keeping Professor Smith off the FEC, it is argued, for quoting from the majority opinion in the Buckley case? From quoting from the majority opinion in the Buckley case? Before reformers began attacking Justice Brennan for authoring this quotation that Mr. Smith has cited, let me note that Justice Brennan's observation has been borne out by the fact that provisions of FECA are still being declared unconstitutional as recently as the first week of May, when the Tenth Circuit Court of Appeals declared unconstitutional the party-coordinated expenditure limits.

It is worth noting this was in a 1996 case on remand from the Supreme Court, a case known as Colorado Republican, in which the Supreme Court declared unconstitutional the party

independent expenditure limits in the Federal Election Campaign Act, despite reformer assertions that they were undoubtedly constitutional.

So, it is simply absurd to attack Professor Smith for quoting from a majority opinion in a Supreme Court case. But that is what Professor Smith's detractors are doing. They are saying he is unfit to serve on the Supreme Court—in this case the Federal Election Commission—because he quotes majority opinions that are binding laws and factually correct statements of how FECA has been treated by the courts.

I might also note that efforts to paint this quotation as an absolute statement of his views on the entire Federal Election Campaign Act also lack any merit. If one reads the article in which Bradley Smith recites this quotation by the Court, he makes clear that he supports many aspects of the Federal Election Campaign Act, including the statute's disclosure provisions. Arguments being asserted against Professor Smith are, at best, half truths constructred by reform groups, but many simply misstate Smith's position and reformers and their allies at the New York Times and the Washington Post persist in advancing these specious arguments, even after they have been shown to lack any merit whatsoever.

It seems that Professor Smith's detractors will say anything to get what they want without any regard for either facts or logic.

I also note even the intellectual leader of the reform movement, Burt Neuborne, has written that:

> The arguments against regulation are powerful and must be respected.

Professor Smith's opponents conclude he should not be confirmed because he has said:

> People should be allowed to spend whatever they want on politics.

Well, so what? Under current law, people can spend whatever they want in the form of independent expenditures. Parties can spend whatever they want in the form of independent expenditures and coordinated expenditures. Wealthy candidates such as Jon Corzine in New Jersey can spend whatever they want from their personal fortunes. Moreover, this statement clearly refers to expenditure limits. Since Buckley, the Supreme Court has consistently held expenditure limits unconstitutional. Although so-called reformers wish this were not the law, it is the law. So, again, we are punishing Professor Smith for stating what the law is, not what the reformers would like it to be.

I would also like to note that Burt Neuborne of the Brennan Center agrees with Brad Smith that contribution and spending limits have undemocratic effects. Neuborne has written:

> Contribution and spending limits and unfair allocation of public subsidies freeze the political status quo, providing unfair advantage to incumbents.

Even the Brennan Center acknowledges that disagreement over Buckley does not disqualify a person from interpreting Buckley. The Brennan Center has come under fire for its book ''Buckley Stops Here,'' and its views that the current Federal Election Campaign Act is flawed. I wonder if my colleagues on the other side of the aisle would vote against the executive director of the Brennan Center or the legal director of the Brennan Center who have criticized the current campaign finance law and the Supreme Court's decision in Buckley? The Brennan Center has committed blasphemy, equal to that of Professor Smith, by actually criticizing the reformers.

For example, Burt Neuborne, the Brennan Center's legal director, has stated:

> Reformers overstate the level of downright dishonesty existing in our political culture, further deepening public cynicism.

Moreover, Neuborne has written that:

> Contribution and spending limits freeze the political status quo by providing unfair advantages to incumbents.

Neuborne has gone after the Holy Grail here. He has actually criticized Congress and the Federal Election Campaign Act. Would those who oppose Brad Smith also oppose the Brennan Center?

I would hope not. In fact, the Brennan Center's own web page acknowledges that this type of reasoning is invalid. Let me quote the Brennan Center regarding disagreements over Buckley and the Federal Election Campaign Act:

> The fact that a person believes that the Court should revise its constitutional rulings does not mean that either side disrespects the law or is disqualified from interpreting Buckley. Moreover, there is no direct correlation between attitudes towards Buckley and constitutional analysis of proposed campaign finance reforms.

One of the most troubling solutions asserted during this confirmation debate is that if a nominee has personally questioned the law of Congress, then somehow that nominee is disqualified from government service. Implementing these new type of litmus tests for government service seems shortsighted and ill advised, to put it mildly. Certainly most Members of Congress would be disqualified from future service in the executive or judicial branch under this new test, since nearly everyday we question the wisdom of our laws and regularly vote in opposition to various laws.

This new litmus test barring government service for those who question the law would clearly exclude many fine and capable men and women. For example, it is not uncommon for Federal judges to personally disagree with Congress' efforts to establish mandatory minimum sentences or uniform sentences through the use of the Federal sentencing guidelines. Judge Jose Cabranes, of the Court of Appeals for the Second Circuit, is a widely respected legal scholar who has been mentioned by both Democrats and Republicans as a possible Supreme Court nominee.

Judge Cabranes, however, has been a frequent and outspoken critic of the law he follows every day. He has written a book and law review articles arguing that current Federal sentencing laws and guidelines are ill conceived and ''born of a naive commitment to the ideal of rationality.'' Judge Cabranes has stated:

> The utopian experiment known as the U.S. Sentencing Guidelines is a failure. . ..

Moreover, the respected Judge Cabranes disagrees with what has been popularly referred to as reform. Specifically, the judge explains that the sentencing reformers' ''fixation on reducing sentencing disparity. . .has been a mistake of tragic proportions. . ..[T]he ideal [of equal treatment] cannot be, and should not be, pursued through complex, mandatory guidelines. We reject the premise of [the] reformers. . ..''

Does this mean Judge Cabranes is unfit to be a Federal judge because he does not personally agree with the sentencing law he must follow every day from the bench? Is Judge Cabranes, who is an otherwise widely respected judge, unfit to serve because he disagrees with the reformers, the wisdom of Congress, and the sentencing laws? Of course not.

Let's look to the Supreme Court for a moment on the specific issue of campaign finance law where reasonable people have and do disagree.

In the landmark case of Buckley v. Valeo, the Court had the difficult task of harmonizing the Federal Election Campaign Act with the First Amendment to the Constitution. Ultimately, the Court's decision in Buckley established what has been the law of the land now for the past quarter-century. I think it is worth noting, however, that every Supreme Court Justice sitting in that case disagreed with the law Congress had passed.

Several of these renowned Justices even questioned the law that was ultimately established by the Court's interpretation in Buckley. For example, Justice Thurgood Marshall dissented in part. Justice Blackmun dissented in part. Justice White, Chief Justice Burger, and the current Chief Justice Rehnquist—all of these jurists disagreed with both the law Congress passed and the law the Court created through its interpretation in Buckley.

Several years after Buckley, Justice Marshall continued to question the law established in Buckley. Does that mean the Senate would have denied Justice Thurgood Marshall a seat on the FEC if he had desired such a seat? Would Justice Marshall be unfit to serve a fixed term on a bipartisan commission?

What about Chief Justice Burger who argued Congress did not have the power to limit contributions, require disclosure of small contributions, or publicly finance Presidential campaigns? If the

Chief Justice had wanted a seat on the FEC, would the Senate have rejected Chief Justice Burger as unfit to serve? After all, Chief Justice Burger's opinion is in contrast with that of the New York Times. Would Chief Justice Burger have been unfit to serve a fixed term on a bipartisan commission?

What about my fellow colleagues who question the Court's decision in Buckley? The junior Senator from California, for example, said on the floor of the Senate only a few months ago:

I am one of these people who believe the Supreme Court ought to take another look at Buckley v. Valeo because I think it is off the wall.

Would my colleagues on the other side of the aisle oppose the junior Senator from California if she retired from the Senate and wanted to become an FEC Commissioner? After all, she disagrees with the law and with the Court's decision in Buckley. Would she be unfit to serve?

What about noted scholars such as Joel Gora, the associate dean of the Brooklyn Law School, who has criticized the Federal Election Campaign Act? Or Ira Glasser of the American Civil Liberties Union? Both Gora and Glasser were lawyers in the original Buckley case. Or Kathleen Sullivan, the dean of the Stanford Law School? Or Lillian BeVier of the University of Virginia Law School? Or Professor Larry Sabato of the University of Virginia and a former member of the 1990 Senate Campaign Finance Reform Panel named by Majority Leader George Mitchell? Would these respected scholars, who question the law and share many of Professor Smith's election law views, be disqualified from Government service at the FEC?

Professor Smith's sin, in the eyes of the reform industry, is twofold: One, he understands the constitutional limitations on the Government's ability to regulate political speech, and, two, he has personally advocated reform that is different from the approach favored by the New York Times.

Let me say loudly and clearly, I believe that neither an appreciation for the first amendment nor disagreement with the New York Times and Common Cause should disqualify an election law expert for service on the Federal Election Commission.

As the numerous letters that have been flooding to me at the committee establish, Professor Smith's views are well within the mainstream of constitutional jurisprudence and commend, not disqualify, him for Government service at the FEC. Personally, I think Professor Smith's views would be a breath of fresh air at a Commission whose actions have all too frequently been struck down as unconstitutional by the courts.

Let me point out that the world of campaign finance is generally divided into two camps of reasonable people who disagree with the Supreme Court's interpretation of the First Amendment in Buckley. One camp prefers more regulation; another camp prefers less regulation. Neither camp is perfectly happy with the current state of the law.

One camp is made up of the New York Times, Common Cause, the Brennan Center, and scholars such as Professors Ronald Dworkin, Daniel Lowenstein, and Burt Neuborne. I might add that reformers Neuborne and Lowenstein have both written strong letters in support of Brad Smith's scholarship and writings on campaign finance.

The other camp is occupied by citizen groups ranging from the ACLU to the National Right to Life Committee, and scholars such as Dean Kathleen Sullivan, and Professors Joel Gora, Lillian BeVier, and Larry Sabato. It is probably fair to say Danny McDonald is in one camp and Brad Smith is in the other. I definitely agree with one camp more than I do the other, but I do not think agreement with either camp makes a person a lawless radical or a wild-eyed fanatic. And, I certainly do not think membership in either camp should disqualify a bright, intelligent, ethical election law expert from service on a bipartisan Federal Election Commission.

Finally, and most importantly, the overwhelming letters of support for Brad Smith and his unequivocal testimony before the Rules Committee convince me without a doubt that Brad Smith understands that the role of an FEC Commissioner is to enforce the law as written and not to remake the law in his own image.

As I mentioned earlier, critics who have philosophical differences with Professor Smith should heed the words of Professor Daniel Kobil, a former board member of Common Cause. This is what he had to say:

I believe that much of the opposition—

Referring to Professor Smith—

is based not on what Brad has written or said about campaign finance regulations, but on crude caricatures of his ideas. . . . Although I do not agree with all of Brad's views on campaign finance regulations, I believe that his scholarly critique of these laws is cogent and largely within the mainstream of current constitutional thought. . . . I am confident that he will fairly administer the laws he is charged with enforcing. . . .

Let me add the sentiments of Professor Daniel Lowenstein of UCLA Law School, also a former board member of Common Cause. This is what he had to say:

Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. He will understand that his job is to enforce the law, even when he does not agree with it.

Let me say a few words about the Democrats' nominee to the FEC, Commissioner Danny McDonald. First, the obvious: McDonald and I are in different campaign finance reform camps. If I followed the new litmus test that is being put forth by some in this confirmation debate, then I would have no choice but to vigorously oppose his nomination.

I have serious questions about McDonald's 18-year track record at the FEC. Commissioner McDonald's views and actions have been soundly rejected by the Federal courts in dozens of cases.

One of these cases, decided earlier this year, Virginia Society for Human Life v. FEC, resulted in a nationwide injunction against an FEC regulation that Commissioner McDonald has endorsed for years.

Let me point out that this McDonald-endorsed regulation had already been struck down by several other Federal courts. Yet McDonald has continued to defy the Federal court rulings and stubbornly refuses to support changing the regulation. Two other cases, FEC v. Christian Action Network and FEC v. Political Contributions Data, Inc. resulted in the U.S. Treasury paying fines because the action taken by McDonald and the FEC was ''not substantially justified in law or fact.''

Just last Friday, the Tenth Circuit struck down yet another FEC enforcement action as unconstitutional.

I ask unanimous consent to print in the RECORD a list of a dozen cases where the Federal courts have rejected the actions of McDonald and the FEC as unconstitutional.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Commissioner Mcdonald's views have been soundly rejected by the federal courts in dozens of cases. The following twelve cases are examples of the court's rejection of Mcdonald's views as unconstitutional.

One of these cases, decided earlier this year, Virginia Society for Human Life v. FEC, resulted in a nationwide injunction against an FEC regulation that Commissioner Mcdonald has endorsed for years—in refinance of several court rulings declaring it unconstitutional.

Two of these cases, FEC v. Christian Action Network and FEC v. Political Contributions Data, Inc. resulted in the U.S. Treasury *paying fines* because the action taken by Mcdonald and the FEC was ''not substantially justified in law or fact.''

1. Fed v. Colorado Republican Party, U.S. Supreme Court, 116 S. Ct. 2309 (1996).
2. Fed v. National Conservative PAC, U.S. Supreme Court, 470 U.S. 480 (1985).
3. Colorado Republican v. FEC, 10th Circuit Court of Appeals, 200 U.S. App, LEXIS 8952 (May 5, 2000).
4. FEC v. Christian Action Network, 4th Circuit Court of Appeals, 110 F.3d 1049 (1997) (Court fined FEC for baseless action).
5. Faucher v. FEC, 1st Circuit Court of Appeals, 928 F.2d 468 (1991).
6. Clifton v. FEC, 1st Circuit Court of Appeals, 114 F.3d 1309 (1997).
7. RNC v. FEC, D.C. Circuit Court of Appeals, 76 F.3d 400 (1996).
8. FEC v. Political Contributions Data, Inc., 2nd Circuit Court of Appeals, 943 F.2d 190 (1991). (Court fined FEC for baseless action).
9. FEC v. NOW, U.S. District Court for the District of Columbia, 713 F. Supp. 428 (1989).
10. FEC v. Survival Education Fund, U.S. District Court for the Southern District of New York, 1994 WL 9658 at *3 (1994).
11. Right to Life of Dutchess County v. FEC, U.S. District Court for the Southern District of New York, 6 F. Supp. 2d 248 (1988).

12. Virginia Society for Human Life v. FEC, United States District Court for the Eastern District of Virginia, 3:99CV559 (2000).

Mr. MCCONNELL. The list certainly does not contain all the cases where McDonald's views have been rejected by the Federal courts, but it should give Members on both sides of the aisle a sense for which nominee is truly out of step with the law, the courts, and the Constitution.

I ask unanimous consent to print in the RECORD a copy of a letter from a first amendment lawyer, Manuel Klausner, who has been honored with the Lawyer of the Year award for the Los Angeles Bar Association. Mr. Klausner details serious concerns about Commissioner McDonald's voting record at the FEC.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAW OFFICES OF MANUEL S. KLAUSNER,
Los Angeles, CA, February 29, 2000.

Senator MITCH MCCONNELL,
Chairman, United States Senate Committee on Rules and Administration, Senate Russell Bldg., Washington, DC.

DEAR SENATOR MCCONNELL: I am an attorney in Los Angeles, and my practice emphasizes First Amendment, election law and civil rights litigation. By way of background, I am a founding editor of REASON Magazine and a trustee of the Reason Foundation. I serve as general counsel to the Individual Rights Foundation. This letter is written on my own behalf, and is not intended to reflect the views of Reason Foundation or the Individual Rights Foundation.

I was formerly a member of the faculty of the University of Chicago Law School and am a past recipient of the Lawyer-of-the-Year Award from the Constitutional Rights Foundation and the Los Angeles Bar Association. I have written and spoken on First Amendment and election law issues at law schools and conferences in the United States and Europe.

As an attorney well versed in the First Amendment, I am writing to urge you to reject the nomination of Danny Lee McDonald to the Federal Election Commission.

As you well know, for many years the FEC has sought to expand the scope of its jurisdiction beyond the limitations the First Amendment places on the agency's authority to regulate political speech. This has resulted in the FEC having the worst litigation record of any major government agency. It has also resulted in many citizens and citizen groups being needlessly persecuted for exercising their First Amendment rights. Some have blamed an overzealous general counsel for the FEC's long history of contempt for the First Amendment. But it must be remembered that, under the FECA, the general counsel cannot pursue litigation that impermissible chills free speech—unless commissioners such as Danny Lee McDonald vote to adopt and enforce unconstitutional regulations.

Commissioner McDonald's disregard for the rule of law in our constitutional system of government is illustrated by his role in the FEC's ongoing efforts to expand the definition of express advocacy. In *Buckley v. Valeo*, 424 U.S. 1, 44 (1976), the Supreme Court ruled that the FECA could be applied consistent with the First Amendment only if it were limited to expenditures for communications that include words which, in and of themselves, advocate the election or defeat of a candidate. This clear categorical limit served a fundamental purpose: It provided a way for people wishing to engage in open and robust discussion of public issues to know ex ante whether their speech was of a nature such that it had to comply with the regulatory regime established by the FECA. The Court did not want people to have their core First Amendment right to engage in discussion of public issues (even those intimately tied to public officials) burdened by the apprehension that, at some time in the future, their speech might be interpreted by the government as advocating the election of a particular candidate. Ten years after *Buckley*, in *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986), the Court reaffirmed the objective, bright-line express advocacy standard.

Despite these clear,unequivocal precedents from the Supreme Court regarding the bright-line, prophylactic standard for express advocacy, it is my view that Commissioner McDonald has flouted the rule of law. He has consistently supported FEC enforcement actions and regulations that seek to establish a broad, vague and subjective standard for express advocacy. In doing so, Commissioner McDonald seeks to create exactly the type of apprehension among speakers that the First Amendment (as interpreted by the Supreme Court) prohibits.

After the 1992 presidential election, Commissioner McDonald voted to pursue an enforcement action against the Christian Action Newtwork (CAN) for issue ads it ran concerning Governor Bill Clinton's views on family values. McDonald supported the suit against CAN despite the fact that the General Counsel conceded that CAN's advertisement ''did not employ 'explicit words,' 'express words' or 'language' advocating the election or defeat of a particular candidate for public office.'' *FEC v. Christian Action Network*, 110 F.3d 1049, 1050 (4th Cir. 1997). McDonald voted for the case to proceed on the theory that the ad constituted express advocacy—not because of any express calls to action used in it, but rather because of ''the superimposition of selected imagery, film footage, and music, over the non-prescriptive background language.'' Id. This was basically an effort to blur the objective standard for express advocacy into a vague, subjective ''totality of the circumstances'' test.

The United States District Court for the Western District of Virginia dismissed the FEC's complaint against CAN on the grounds that it did not state a well-founded legal claim. *FEC* v. *Christian Action Network*, 894 F. Supp. 946, 948 (1995). This was because the agencies's subjective theory of express advocacy was completely contrary to the bright-line standard articulated in *Buckley* and *MCFL*. Id. After this stern rebuff by the district court, Commissioner McDonald voted to appeal the case to the United States Fourth Circuit Court of Appeals. The Circuit Court summarily affirmed in a per curiam opinion. *FEC* v. *Christian Action Network*, 92 F.3d 1178 (4th Cir. 1996).

The Christian Action Network subsequently asked the court to order the FEC to pay the expenses it had incurred in defending against the FEC's baseless lawsuit. The Fourth Circuit ruled in CAN's favor, explaining that:

''In the face of unequivocal Supreme Court and other authority discussed, an argument such as that made by the FEC in this case, that 'no words of advocacy are necessary to expressly advocate the election of a candidate,' simply cannot be advanced in good faith (as disingenuousness in the FEC's submissions attests), much less with 'substantial justification.'''

Commissioner McDonald's vote to authorize the CAN litigation was unfortunate, because taxpayers ended up footing the bill for CAN's defense of meritless litigation. His vote was particularly disturbing, because the CAN case was not the last time Commissioner McDonald voted to pursue litigation based on an impermissibly broad and subjective definition of express advocacy. *See, e.g., FEC* v. *Freedom's Heritage Forum,* No. 3:98CV–549–S (W.D. Ky September 29, 1999). Sadly the CAN litigation did not cause Commissioner McDonald to question his broad and subjective theory of express advocacy. While the CAN case was being litigated, Commissioner McDonald voted to enact a regulation that defines express advocacy in exactly the same broad and subjective terms that the courts have rejected. And despite this regulation being declared unconstitutional on several occasions, *see, e.g., Maine Right to Life Committee* v. *FEC*, 98 F.3d 1 (1st Cir. 1996), Commissioner McDonald has *repeatedly* voted against amending the agency's definition of express advocacy to comply with the law as declared by the courts of the United States. Earlier this year, the United States District Court for the Eastern District of Virginia issued a nationwide injunction against the FEC's enforcement of the broad and subjective definition of express advocacy that Commissioner McDonald has consistently supported. *Virginia Society for Human Life, Inc.* v. *FEC*, No. 3:99CV559 (E.D. Va. Jan. 4, 2000). Nevertheless, just a few weeks ago, Commissioner McDonald voted against reconsidering the agency's definition of express advocacy.

It must be noted that Commissioner McDonald cannot reasonably assert that his support for a broad and subjective definition of express advocacy is grounded in the Ninth Circuit's decision in *FEC* v. *Furgatch*, 807 F.2d 857 (9th Cir. 1987). As more than one court has made clear, *Furgatch* is an inherently suspect decision because it does not discuss or even mention the Supreme Court's ruling in *MCFL,* which was decided a month before *Furgatch*. But, even to the extent *Furgatch* is good law, the broad definition of express advocacy that Commissioner McDonald consistently supports goes *beyond* what even the *Furgatch* court permitted. The Fourth Circuit has aptly summarized the discrepancy between the broad FEC regulation defining express advocacy (which Commissioner McDonald voted to approve) and the loose definition used in Furgatch:

''It is plain that the FEC has simply selected certain words or phrases from Furgatch that give the FEC the broadest possible authority to regulate political speech * * * and ignored those portions of Furgatch * * * which focus on the words and text of the message.''

Moreover, the FEC itself has acknowledged that its broad definition of express advocacy is not fully supported by *Furgatch*. In its brief in opposition to Supreme Court review of *Furgatch* the FEC described as dicta the portions from *Furgatch* that made their way into the agency's express advocacy regulation. See FEC Brief in Opposition to Certiorari in Furgatch at 7. And just last year in FEC Agenda Document No. 99–40 at 2, the FEC's General Counsel conceded that the broad view of express advocacy Commissioner McDonald endorses is not completely supported by *Furgatch,* but only ''largely based'' on *Furgatch*. In short, neither the courts nor the FEC view *Furgatch* as fully justifying the definition of express advocacy that Commissioner McDonald endorses.

Unfortunately, the history of the FEC's express advocacy rulemaking is just one of many examples I could proffer of Commissioner McDonald's disregard for the Constitution and the rule of law. By supporting the agency's willful efforts to disregard the law as pronounced by the courts of the United States, Commissioner McDonald has

helped to create a situation in which an individual's First Amendment rights vary—depending upon where they happen to live in the United States. Of course, even people who reside in regions of the country where the controlling court of appeals has rejected the FEC's efforts to expand its jurisdiction over political speech, are still chilled from conveying their views on issues. After all, if they fund a public communication that is broadcast into a neighboring state that is in a federal circuit which has not ruled on the FEC's novel theories, they may find themselves the test case for that Circuit and be exposed to lengthy and costly litigation.

When federal agencies are allowed to create such a patchwork system of speech regulation, public confidence in the competence and integrity of the administrative state declines. People come to feel that their rights extend no further than the capricious whims of government bureaucrats.

It is for Congress in its capacity as the body charged with overseeing independent agencies to take the lead in remedying such problems and reining in agencies that are out of control. You can start reining in the FEC by making public officials such as Commissioner McDonald accountable for disregarding the rule of law and the constitutional rights of citizens. By rejecting the nomination of Danny Lee McDonald, Congress can signal that it will not tolerate FEC Commissioners who arrogantly refuse to honor their oath to uphold and defend the Constitution. By rejecting Danny Lee McDonald—a man who has for almost twenty years demonstrated contempt for the rights of ordinary Americans and the rulings of federal courts—Congress can begin to restore confidence that the Federal Election Commission will not continue to trample on core First Amendment rights.

Very truly yours,

MANUEL S. KLAUSNER.

Mr. MCCONNELL. I think Commissioner McDonald's voting record has displayed a disregard for the law, the courts, and the Constitution. It has hurt the reputation of the Commission, chilled constitutionally protected political speech, and cost the taxpayers money.

Equally troubling is the fact that Commissioner McDonald apparently chose to pursue the chairmanship of the Democratic National Committee while serving as a Commissioner to the Federal Election Commission.

On August 22, 1997, the General Counsel to the Democratic National Committee, Joseph Sandler, testified under oath that it was his understanding that Commissioner McDonald had pursued the ''chairmanship'' of the DNC in late 1996 or 1997. I must say I am very troubled by the fact that an FEC Commissioner, who is charged with displaying impartiality and good judgment, would seek the highest position in the Democratic National Committee while regulating the Democratic Party and its candidates and, I might add, while regulating the archrival of his party; that is, the Republican Party, and its candidates.

As the distinguished Minority Leader stated in a floor speech on February 28 of this year:

[The] law states that [FEC] Commissioners should be ''chosen on the basis of their experience, integrity, impartiality and good judgment.''

I have serious questions about whether an FEC Commissioner exhibits ''impartiality and good judgment'' when he seeks the highest position in his political party and simultaneously regulates that party and its candidates and regulates the competitor party and its candidates.

All that being said, I am prepared to reject this new litmus test whereby we ''Bork'' nominations to a bipartisan panel based on their membership in a particular campaign finance camp. I am prepared to follow the tradition of respecting the other party's choice and to support Commissioner McDonald's nomination, assuming that McDonald's party grants similar latitude to the Republican choice.

In fact, I believe it is the very presence of Commissioners such as Mr. McDonald who make Professor Smith all the more necessary at the FEC. The FEC needs Brad Smith's constitutional expertise to help prevent the string of unconstitutional FEC actions which McDonald supported. As Dean Kathleen Sullivan stated in support of Brad Smith:

I think it is a good thing . . . to have people who are very attuned to constitutional values in government positions[.]

So I say to my colleagues, I personally believe that Professor Smith's intelligence, his work ethic, his fairness, his knowledge of election law, and, to quote from the statute, his ''experience, integrity, impartiality and good judgment'' will be a tremendous asset to the FEC and to the American taxpayers who have been forced to pay for unconstitutional FEC actions.

Professor Smith is a widely respected, prolific author on Federal election law and, in my opinion, the most qualified nominee in the 25-year history of the Federal Election Commission. I am firmly convinced he would faithfully and impartially uphold the law and the Constitution as a Commissioner at the FEC, and I wholeheartedly support his nomination.

In the words of the Wall Street Journal:

This Mr. Smith should go to Washington.

Mr. President, how much of my time do I have remaining?

The PRESIDING OFFICER. The Senator has 60 minutes remaining.

Mr. MCCONNELL. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first let me remind my colleagues that Mr. Smith, in an article he wrote in the Wall Street Journal, concluded his article by saying:

The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

I ask unanimous consent that the entire article of Wednesday, March 19, 1997, entitled ''Rule of Law, Why Campaign Finance Reform Never Works,'' by Bradley A. Smith, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 19, 1997]

RULE OF LAW

WHY CAMPAIGN FINANCE REFORM NEVER WORKS

(By Bradley A. Smith)

Think campaign finance reform isn't an incumbent's protection racket? Just look at the spending limits included in the Shays-Meehan and McCain-Feingld bills, the hot ''reform'' bills on Capitol Hill.

Shays-Meehan would limit spending in House races to $600,000. In 1996, every House incumbent who spent less than $500,000 won compared with only 3% of challengers who spent that little. However, challengers who spent between 0,000 and $1 million won 40% of the time while challengers who spent more than $1 million won five of six races. The McCain-Feingold bill, which sets spending limits in Senate races, would yield similar results. In both 1994 and 1996, every challenger who spent less than its limits lost, but every incumbent who did so won.

This anecdotal evidence supports comprehensive statistical analysis: The key spending variable is not incumbent spending, or the ratio of incumbent to challenger spending, but the absolute level of challenger spending. Incumbents begin races with high name and issue recognition, so added spending doesn't help them much. Challengers, however, need to build that recognition. Once a challenger has spent enough to achieve similar name and issue recognition, campaign spending limits kick in. Meanwhile the incumbent is just beginning to spend. In other words, just as a challenger starts to become competitive, campaign spending limits choke off political competition.

This is not to suggest that the sponsors of McCain-Feingold and Shays-Meehan sat down and tried to figure out how to limit competition. However, when it comes to political regulation and criticism of government, legislators have strong vested interests that lead them to mistake what is good for them with what is good for the country. Government is inherently untrustworthy when it comes to regulating political speech, and this tendency to use government power to silence political criticism and stifle competition is a major reason why we have the First Amendment.

The Supreme Court has recognized the danger that campaign finance regulation poses to freedom of speech, and for the past 20 years, beginning with Buckley v. Valeo, has struck down many proposed restrictions on political spending and advocacy, including mandatory spending limits. Supporters of campaign finance reform like to ridicule Buckley as equating money with speech. In fact, Buckley did no such thing.

Instead, Buckley recognized that limiting the amount of money one can spend on political advocacy has the effect of limiting speech. This is little more than common sense. For example, the right to travel would lose much of its meaning if we limited the amount that could be spent on any one trip to $100.

Shays-Meehan and McCain-Feingold are Congress's most ambitious attempt yet to get around Buckley. The spending limits in each bill are supposedly voluntary, so as to comply with Buckley, but in fact the provisions are so coercive as to be all but mandatory, which should make them unconstitutional.

For example, Shays-Meehan penalizes candidates who refuse to limit spending by restricting their maximum contributions to

just $250, while allowing their opponents to collect contributions of up to $2,000. Shays-Meehan also attempts to get around Buckley by restricting the ability of individuals to speak out on public issues. The bill would sharply limit financial support for the discussion of political issues where such discussion ''refers to a clearly identified candidate.'' In Buckley, the Supreme Court struck down a similar provision as unconstitutionally vague.

Fueling the momentum to regulate ''issue advocacy'' is Republican outrage over last year's advertising blitz by organized labor attacking the Contract With America and the GOP's stand on Social Security and Medicare. Even though the AFL–CIO's ads were ostensibly about issues, there is no doubt that they were aimed at helping Democrats regain control of the House.

Of course, the purpose of political campaigns is to discuss issues; and the purpose of discussing issues it to influence who holds office and what policies they pursue. Naturally, candidates don't like to be criticized, especially when they believe that the criticisms rely on distortion and demagoguery. But the Founders recognized that government cannot be trusted to determine what is ''fair or unfair'' when it comes to political discussion. The First Amendment isn't promise us speech we like, but the right to engage in speech that others may not like.

Recognizing that many proposed reforms run afoul of the Constitution, some, such as former Sen. Bill Bradley and current House Minority Leader Richard Gephardt, are calling for a constitutional amendment that would, in effect, amend the First Amendment to allow government to regulate political speech more heavily. This seems odd, indeed, for while left and right have often battled over the extent to which the First Amendment covers commercial speech or pornography, until now no one has ever seriously questioned that it should cover political speech.

If fact, constitutional or not, campaign finance reform has turned out to be bad policy. For most of our history, campaigns were essentially unregulated yet democracy survived and flourished. However, since passage of the Federal Elections Campaign Act and similar state laws, the influence of special interests has grown, voter turnout has fallen, and incumbents have become tougher to dislodge. Low contribution limits have forced candidates to spend large amounts of time seeking funds. Litigation has become a major campaign tactic, with ordinary citizens hauled into court for passing out homemade leaflets; and business and professional groups have been restrained from communicating endorsements to their dues-paying members.

The reformers' response is that more regulation is needed. If only the ''loopholes'' in the system could be closed, they argue, it would work. Of course, some of today's biggest loopholes were yesterday's reforms. Political action committees were an early 1970s reform intended to increase the influence of small donors. Now the McCain-Feingold bill seeks to ban them. (Even the bill's sponsors seem to recognize that this is probably unconstitutional—Sen. Feingold boasts that in anticipation of such a finding by the Supreme Court, the bill includes a fallback position.) Soft money, which both bills would sharply curtail, was a 1979 reform intended to help parties engage in grasroots political activity, such as get-out-the-vote drives.

When a law is in need of continual revision to close a series of ever-changing ''loopholes,'' it is probably the law, and not the people, that is in error. The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

Mr. McCAIN. He begins by saying:

Think campaign finance reform isn't an incumbent's protection racket? Just look at the spending limits included in the Shays-Meehan and McCain-Feingold bills, the hot ''reform'' bills on Capitol Hill.

I will provide for the RECORD that as increases in spending have gone up, they have favored the incumbents, and more incumbents have been reelected over time. Mr. Smith is obviously wrong in his allegations as far as the facts are concerned. Then obviously he goes on to say at the end that campaign finance reform has turned out to be bad policy. He goes on to say:

For most of our history campaigns were essentially unregulated, yet democracy survived and flourished. However, since passage of the Federal Elections Campaign Act and similar State laws, the influence of special interests has grown, voter turnout has fallen, and incumbents have become tougher to dislodge.

That is an interesting view of history.

In 1974, we enacted campaign finance reform. The abuses of the 1972 campaign were well known. They were extremely egregious and everyone knows there was a movement across America to clean up those incredible abuses that took place in the 1972 campaign. I guess what Mr. Smith either doesn't know or has ignored is that for a long period after campaign finance reform was enacted, there were better campaigns in America. They were a lot cleaner. They were more participatory.

It was not until beginning in the middle to late 1980s, as smart people began to find loopholes, began to find ways around those campaign finance restrictions, that the influence of special interests grew, voter turnout fell, and incumbents became tougher to dislodge.

I am a student of history. One of the reasons why I am is because it has a tendency to repeat itself. There was a period late in the last century, actually in the 19th century, when the robber barons took over American politics. That is a matter of history and disputed by very few historians. Fortunately, a man came to the fore in American politics by the name of Theodore Roosevelt. His words are as true today as they were then.

I quote from his fifth annual message to the Congress, Washington, December 25, 1905:

All contributions by corporations to any political committee or for any political purpose should be forbidden by law. Directors should not be permitted to use stockholders' money for such purposes. And moreover, a prohibition of this kind would be, as far as it went, an effective method of stopping the evils aimed at the Incorrupt Practices Act.

On October 26, 1904, Theodore Roosevelt made the following statement:

I have just been informed that the Standard Oil people have contributed $100,000 to our campaign fund. This may be entirely untrue. But if true I must ask you to direct that the money be returned to them forthwith. . . . Moreover, it is entirely legitimate to accept campaign contributions, no matter how large they are, from individuals and corporations on the terms on which I happen to know that you have accepted them; that is, with the explicit understanding that they were given and received with no thought of any more obligation on the part of the National Committee or of the national administration than is implied in the statement that every man shall receive a square deal, no more, no less, and that this I shall guarantee him in any event to the best of my ability. . . . But we cannot under any circumstances afford to take a contribution which can be even improperly construed as putting us under an improper obligation, and in view of my past relations with the Standard Oil Company, I fear such a construction will be put upon receiving any aid from them.

On 1908, September 21, in a letter to the treasurer of the Republican National Committee, Theodore Roosevelt wrote:

I have been informed that you, or someone on behalf of the National Committee, have requested contributions both from Mr. Archibold and Mr. Harriman. If this is true, I wish to enter a most earnest protest, and to say that in my judgment not only should such contributions not be solicited, but if tendered, they should be refused; and if they have been accepted they should immediately be returned. I am not the candidate, but I am the head of the Republican administration, which is an issue in this campaign, and I protest earnestly against men whom we are prosecuting being asked to contribute to elect a President who will appoint an Attorney-General to continue these prosecutions.

Mr. President, in his State of the Union speech, President Roosevelt said on August 31, 1910:

Now, this means that our Government, National and State, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics.

Mr. President, as I said, Theodore Roosevelt's words in those days were as true then as they are today. I believe we are again in the same situation we were in before when he was able to get an all-out prohibition of corporate contributions to American political campaigns. That law is still on the books. That law has never been repealed.

Why is it that tomorrow night there will be a fundraiser when individuals and corporations are allowed to contribute as much as $500,000 to enjoy the hospitality of the Democratic National Committee at the MCI Center? It is because the loopholes have been exploited. People such as our nominee, Mr. Smith, have made the process such that we can no longer expect the influence of special interests not to predominate here in our Nation's Capitol. Young Americans are tired of it. Young Americans are cynical, and they have become alienated.

The nomination of Mr. Smith has not gone unnoticed beyond the beltway. The irony of his appointment to the FEC has been the subject of numerous editorials since the name first surfaced as a potential nominee. Let me read to you some of these editorials, Mr. President.

The Palm Beach Post:

You wouldn't put Charlton Heston in charge of gun control, and you wouldn't put Bradley A. Smith in charge of enforcing the nation's campaign-finance laws.

Come to think of it, Republicans want to do both.

Mr. Smith, a law professor in Ohio, feels about soft money the way Mr. Heston feels about assault weapons: More is better. . . . Mr. Smith has advocated the abolition of Federal restrictions on campaign contributions. Yet, Republicans want to nominate Mr. Smith to the Federal Election Commission, which was founded in 1975 to enforce campaign restrictions first imposed after Watergate. . . .

The quote underpinning Mr. Smith's philosophy is, ''People should be allowed to spend whatever they want on politics.'' But when Mr. Smith talks about ''people,'' he means corporations and unions and political-action committees—the big donors who give with the all-too-realistic expectation that they will receive favors from Congress in return.

The story I quoted earlier from the New York Times mentioned that when the big donors were contacted by phone, they wanted to —guess what— talk about legislation before the Congress, for those who were soliciting donations.

The San Francisco Chronicle, April 17:

Seldom has the metaphor of the fox keeping watch over the chicken coop seemed more apt. Bradley Smith has built his career arguing that the 1974 Federal Election Campaign Act, the law regulating campaign expenditures enacted after the Watergate scandal, is unconstitutional and should be abolished.

In various articles, Mr. Smith, an obscure professor at Capital University in Columbus, Ohio, has argued that our nation only spends a ''minuscule amount'' on campaigns, a mere .05 percent of our Gross National Product. Rather than corrupting the process, Smith says campaign spending promotes democracy by generating interest in candidates and issues. . . . ''If anything, we probably spend too little,'' he wrote in one of several guest columns for the Wall Street Journal.

Smith might have remained little more than a professorial provocateur behind the safe ramparts of the ivory tower had not Republicans put forward his name to fill a vacant seat on the Federal Election Commission, the body created by the very law Smith thinks should be abolished.

Washington Post, February 11, 2000:

When the Supreme Court recently reaffirmed that reasonable campaign finance regulations were constitutional, President Clinton sought to portray himself as a fighter for reform. ''For years, I challenged Congress to pass regulations that would ban the raising of unregulated soft money and address back door spending by outside organizations.'' He said, ''Now I am again asking Congress to restore the American people's faith in their democracy and pass real reform this year.'' This week, however, the President nominated to the Federal Election Commission a law professor, Bradley Smith, who not only opposes further reform, but believes that most existing campaign finance law violates the first amendment. Quite simply, Mr. Smith doesn't believe in the bulk of the FEC's work. Mr. Clinton has no business putting him in charge of it.

Mr. President, this is from the New York Times, February 17, 2000:

A vote to confirm Mr. Smith is a vote to perpetuate big-money politics. Campaign restrictions are only as strong as the FEC's interest in enforcing them—an interest Mr. Smith plainly lacks. In an election year in which Washington's failure to end the corrupt soft-money system has become a rallying cause for John McCain's Presidential campaign, the Senate should not seat someone on the FEC who questions the need for change. Mr. Smith, as Mr. Gore aptly noted, ''publicly questions not only the constitutionality of proposed reform, but also the constitutionality of current limitations.'' Mr. Smith does not belong on the FEC, and anyone in the Senate who cares about fashioning a fair and honest system for financing campaigns should vote against his appointment.

Mr. President, I don't want to put too much credence and importance on Mr. Smith's appointment. But I do not see, after the record is replete with Mr. Smith's views concerning campaign finance reform, how anyone in this body who is a sincere supporter of campaign finance reform could possibly have the remotest idea of voting for Mr. Smith.

Finally, I have on this floor many times for too many years been arguing the constitutionality of placing limitations on campaign contributions.

The opponents, time after time, have taken the floor and said: Well, Buckley v. Valeo was only a 5–4 vote, a footnote, which perhaps has become one of the most famous footnotes in the history of any Supreme Court decision concerning exactly what the words are both for and against. Over time, for reasons that are not clear to me, the opponents of campaign finance reform raise the concern in many people's minds that the heart of McCain-Feingold is unconstitutional; in other words, the ability to place a limit on campaign contributions.

I didn't quite understand that because in 1907 there was a law on the books that banned corporate contributions. That has never been repealed, nor declared unconstitutional. There is a law on the books in 1947 banning union contributions to American political campaigns, and then of course there is the 1974 law.

On January 24 of this year, Shrink Missouri clearly and unequivocally in a 6–3 decision upheld the $1,000 limitation on a campaign contribution.

By limiting the size of the largest contributions, such restrictions are aimed at democratizing the influence money itself may bring to bear upon the electoral service.

The U.S. Supreme Court, in a majority opinion, goes on to say that in doing so, they seek to build public confidence in that process and broaden the base of a candidate's meaningful financial support by encouraging the public participation in open discussion that the first amendment itself presupposes.

Mr. Smith directly repudiates—and still does after the U.S. Supreme Court spoke unequivocally—a 6–3 decision by the U.S. Supreme Court. Yet my colleagues feel that he is fit to enforce a law that he directly repudiates.

This is a bit Orwellian, Mr. President.

The Court went on to say in unequivocal terms that the imposition of a $1,000 limit is certainly not only constitutional but should be constitutional because many of the Justices expressed their utter dismay at the state of campaign financing today in a rather forthright and candid manner, which is somewhat uncharacteristic of the U.S. Supreme Court. One of the Justices said, ''Money is not free speech. Money is property.''

On the one hand, a decision to contribute money to a campaign is a matter of first amendment concern, not because money is speech; it is not, but because it enables speech through contributions. The contributor associates himself with a candidate's cause and helps the candidate communicate a political message with which the contributor agrees and helps the candidate win by attracting the votes of similarly minded voters. Both political association and political communications are at hand.

On the other hand, restrictions upon the amount that any one individual can contribute to a particular candidate seek to protect the integrity of the electoral process, the means through which a free society democratically translates political speech into concrete government action.

Moreover, by limiting the size of the largest contributions, such restrictions aim to democratize the influence money itself may bring to bear upon the electoral process.

I don't mean to paraphrase the Supreme Court of the United States, but what they are saying is money in modest amounts is a way of participating in the political process, and it is a good and healthy thing.

One of the great events in politics in the American Southwest is to have a barbecue and everyone pays $10, $15, or $20 to attend. You not only participate in the political process, but you have made an investment in that candidate.

But when we are now at a point where $500,000 buys a ticket to a fundraiser, we have come a long way. We have come a long way. We have come to a Congress which is gridlocked by the special interests.

If you want to look at our failure to enact a Patients' Bill of Rights, if you want to look at our failure to enact modest gun control such as safety locks and instant background checks, if you want to look at our failure to enact meaningful military reform because we continue to buy weapons systems which the military doesn't want or need, and we have 12,000 enlisted families on food stamps, you can look at a broad array of legislation that should have been acted on by any reasonable group of men and women who are elected to represent the people. Instead, it is the special interests.

What is the message we are about to send to the American people when we affirm the appointment of Professor Brad Smith to the Federal Election Commission? We are saying that we are appointing a person for 5 years who not only repudiates the decision of the U.S.

Supreme Court but believes that at no time in our history have we needed to clean up the abuses of the campaign finance system, and clearly has no interest in removing the incredible corruption that possesses the political process today, and is not interested in the fact that young Americans have become cynical and even alienated from the political process, to wit: The 1998 election where we had the lowest voter turnout in history of 18- to 26-year-olds.

The message we are sending to America is: Americans, we are not ready yet to respond to the will of the people. We are still in the grips of special interests. Until we make their voices more clear and more strongly felt, the chances of reforming this system and returning the government to you is somewhat diminished.

I know my colleague who is on the floor, Senator FEINGOLD, and I will continue our efforts to bring McCain-Feingold and Shays-Meehan to the attention of this body for votes between now and when we go out of session. I don't know if we will be able to do that, but have no doubt about what we are trying to do and how we are trying to do it.

All we ask for is a vote up or down. We will agree to 15 or 20 minutes equally divided on both sides on this issue because it has been ventilated time after time on the floor of the Senate. For anyone who has some idea we are trying to hold up legislation or block legislation, all we are asking for is a vote. We know a majority of the Senate would vote in favor.

I think we are going to do something very wrong tomorrow. We are probably going to affirm a person to an office in which the American people place some trust in the enforcement of existing law. That person has made it clear that he is not interested in enforcing existing law, and, in fact, he believes that existing law is unconstitutional.

I think this is a very serious mistake. I hope the American people notice that this is something that will not work in their interests but will clearly work to maintain the status quo in our Nation's Capital.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, although this, too, is an uphill battle, it is a good feeling to be on the floor again with my good friend, the Senator from Arizona, not only to fight this nomination, but also to signal the fact that we are ready to move forward on the campaign finance issue and a ban on soft money.

I think the debate today has turned out to be not only a good chance to review the inappropriateness of the Bradley Smith nomination, but to review what has happened this year on the campaign finance front, particularly the decision by the U.S. Supreme Court in the Shrink Missouri case, and of course, more importantly, the tremendous profile the Senator from Arizona has given to the campaign finance issue through his courageous campaign for President.

All of that is optimistic for the future. But today we have to continue the battle, as the Senator from Arizona has done, to try to prevent the Senate from making a terrible mistake with regard to the Federal Election Commission.

In that regard, let me first elaborate on one item the Senator from Kentucky addressed. Earlier today, the Senator from Kentucky quoted from a number of letters from law professors, allegedly in support of the nomination of Professor Brad Smith. One of those letters was from Burt Neuborne, a professor at NYU Law School and Legal Director at the Brennan Center for Justice, somebody for whom I have tremendous regard and respect. The Senator from Kentucky took great pleasure in quoting that letter because the Brennan Center has been very effective and outspoken in its opposition to Professor Smith.

I was a little surprised by the quote the Senator from Kentucky read from Professor Neuborne, although I noted that Professor Neuborne didn't seem to endorse Professor Smith for the FEC post in the portion of his letter the Senator from Kentucky read.

In the interim, I asked my staff to look into the letter. Although we have not actually seen a copy, it seems the letter quoted by the Senator from Kentucky on the floor was actually a letter in support of Professor Smith's effort to get tenure at his law school a few years ago. I hope I don't need to point out, Mr. President, that there is a big difference between tenure at a law school and a seat on the FEC. Law professors can be and often are provocative, even outrageous, in their views, but FEC Commissioners have to enforce and interpret the law as intended by Congress. It is a very different job from being a professor.

So I want the Record to be clear. Professor Neuborne's comments were quoted at least a bit out of context, and those comments had nothing to do with the decision that will soon be before the Senate on Professor Smith's nomination.

Now let me say a bit more about the nomination and its relationship to the issue of soft money, which the Senator from Arizona was addressing moments ago. I spoke earlier about some of the views of Brad Smith on our current election laws. Now I want to talk about his views on the major reform issue that faces the Congress this year, the proposed ban on soft money.

Professor Smith believes a ban such as the one contained in the McCain-Feingold bill would be unconstitutional. That is another reason I believe he should not be confirmed.

We have had a number of debates on the issue of campaign finance reform in the last few years. They have been hard fought and sometimes illuminating. Particularly interesting to me, I have noticed very frequently the arguments of opponents of reform have changed over time. The first few times the McCain-Feingold bill was brought to the floor, much of the argument was against the spending limits and benefits contained in the original bill. We heard the cry of ''welfare for politicians,'' over and over.

Then, when the bill was modified and spending limits for candidates were dropped, opponents of reform focused on provisions that would have restricted the use of unlimited corporate and union money to pay for phony issue ads that were really nothing more than campaign ads in disguise. Opponents complained that these provisions violated the first amendment. Then the accusation on this floor over and over again became that we reformers were the so-called ''speech police'' and the ''enemies of free speech.''

Last fall, however, Senator MCCAIN and I decided to exclusively focus our attention on the worst loophole in the law, the problem that has undermined the whole of our Nation's election laws, the unlimited soft money contributions to the political parties. We found few, if any, opponents who were actually willing to come to the floor during the latest debate to continue to press some kind of a constitutional attack on this bill.

The reason was very simple. There is no credible argument that a ban on soft money would be struck down by the Supreme Court. That view was supported by a letter to Senator MCCAIN and to me from 126 legal scholars. It was seconded by a letter from every living former president, executive director, legal director, and legislative director of the American Civil Liberties Union. Even one of the strongest and most consistent opponents of reform in this body, the Senator from Washington, Mr. GORTON, conceded on the floor that a ban on soft money is probably constitutional. He even conceded that.

Then we had the Supreme Court weighing in earlier this year in the Shrink Missouri case, reaffirming a portion of the Buckley decision that upheld contribution limits and stating in very strong and clear language that the Congress has the power to limit contributions to protect against actual or apparent corruption, the Court said:

> There is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

In my view, and I think in the view of any serious commentator on this subject, the Supreme Court's ruling in the Shrink Missouri case removes all doubt as to whether the Court would uphold the constitutionality of a ban on soft money. That is the centerpiece of the reform bill that has passed the House and is now awaiting Senate action. It is simply not credible to argue

that this same Court that just a couple of months ago so strongly upheld the Missouri contribution limits would somehow completely change its jurisprudence and turn around and strike down an act of Congress that would outlaw soft money. It is simply not credible.

But then there is Bradley Smith, the nominee before the Senate. In a paper for the Notre Dame Law School Journal of Legislation, published in 1998, he wrote the following:

Regardless of what one thinks about soft money, or what one thinks about the applicable Supreme Court precedents, a blanket ban on soft money would be, under clear, well-established First Amendment doctrine, constitutionally infirm.

Professor Smith makes the argument that since the parties use soft money to run phony issue ads and since phony issue ads are constitutionally protected, somehow a ban on soft money must be constitutionally suspect.

The problem with this argument is that the justification for banning soft money has nothing to do with stopping the parties from running phony issue ads. The purpose of a soft money ban is to stop the erosion of public confidence in the political process that unlimited contributions from wealthy corporate, labor, and individual donors have caused—in other words, to put it in simple terms, terms that are not my own but those of the U.S. Supreme Court, to stop the appearance of corruption.

Banning soft money is not about attacking speech, it is about attacking corruption. The parties can continue to run all the phony issue ads they want after soft money is banned; they will just have to use hard money to pay for those ads.

Of course, Professor Smith doesn't agree that unlimited contributions can cause a corruption problem. But the Supreme Court most certainly does.

A majority of this Senate has voted repeatedly in favor of a soft money ban. I cannot imagine that same majority will, tomorrow, vote to confirm a nominee who believes such a ban is unconstitutional. That is why the vote on Mr. Smith is not simply a vote on an executive branch nominee, it is a vote on campaign finance reform

Here is the problem. If we succeed in passing a soft money ban this year, the FEC is going to have to promulgate regulations to implement that law. Numerous questions will undoubtedly arise on the mechanics of that ban. We need an FEC that will vote to enforce the law and to interpret it in a way that is consistent with congressional intent. I simply have no confidence that Mr. Smith will be able do that—how can he? It would be completely at odds with his own loudly professed principles. His view is that the whole exercise of prohibiting the parties from soliciting and receiving unlimited nonfederal contributions is illegitimate.

Shortly after his nomination, Mr. Smith was interviewed by the Capitol Hill newspaper, Roll Call. A story on February 14 of this year, stated as follows:

But Smith said ''the reason most'' why he's agreed to take the position is to ''present the case that there's another way to talk about reform than reform being equivalent to more regulation.''

We are making a decision about putting someone on the Fec who is supposed to enforce the laws we pass. The purpose is not to send an advocate over to the FEC.

That's right, this nominee most wants to be on the regulatory body in charge of administering the statutes that Congress passes in order to present the view that we do not need more regulation. Not to implement Congress's will in passing reform, but to show there is another way of talking about reform. I do not want that kind of Commissioner writing the regulations that will put the soft money ban of the McCain-Feingold bill into practice.

I am not going to stand here and tell you that enactment of the McCain-Feingold bill is assured in this session of Congress. We have a lot of work still to do to convince enough of those who are now voting to permit a filibuster to block us to change their minds. But if you truly believe that soft money must be banished from our system, as you have voted so many times in the past few years, you must vote against the nomination of Brad Smith. Otherwise, you may very well be responsible for ineffective FEC enforcement of the ban which will let soft money back into the system, nullifying all that we have worked so hard to accomplish.

The Senator from Kentucky began his presentation this morning by in essence asking for sympathy for Professor Smith because he has inspired such strong opposition both in the Senate and from outside commentators. He suggests that because the opposition is so heated that it must be distorted. And he quoted from law professors who have written in to defend Professor Smith and criticize the opposition to him. He said that from all that has been said about Professor Smith, one would think he has horns and a tail. I want to reiterate this because I think this approach the Senator from Kentucky has used is unfair to all of us who have opposed Professor Smith. Frankly, I think it is I unfair to Professor Smith.

The opposition to Professor Smith is not personal. There is not a shred of a personal element to it and there never has been. It is based on his views, and in particular on his writings as a law professor and commentator on the election laws. The quotes I have called attention to today are not distortions, they are not taken out of context, they are not a caricature or a misrepresentation. These are Professor Smith's views, and he has reaffirmed them over and over again, including in the hearings held by the Rules Committee on his nomination. Yes, as we saw earlier, he has a beautiful family, and a beautiful dog, but that does not make his views on Federal election law any more acceptable to me or others who care about campaign finance reform.

Professor Smith has not disavowed the views he expressed in his many writings on campaign finance. He simply asks us to take on faith his promise that notwithstanding those views he will enforce the law. But it is not that simple. Issues come before the FEC that are not as clear cut as ''will you enforce the law or not?''

The FEC has to implement and administer the law. It has to promulgate regulations to cover complicated legal issue that come about because candidates and groups do their utmost to get around the law. It has to initiate investigations of suspicious activities, sometimes with great pressure brought by the parties to do nothing.

I simply do not have confidence that an academic who holds the views expressed so clearly by Professor Smith will discharge his duties in a way that will uphold the spirit as well as the letter of the law.

Let me also respond to the argument expressed by both the Chairman and the Ranking Member of the Rules Committee that his Senate is bound to rubber stamp the President's appointments because by tradition each party is entitled to choose the members of the Commission.

First of all, I will say that I was very disappointed that President Clinton put forward this nomination. I expected more from a President who claims to support campaign finance reform. And I am pleased that Vice-President GORE has announced his opposition to the nomination of Professor Smith. I hope some day that we will have a President who will break with tradition—and that's all it is—tradition, and nominate independents or people who are not strongly identified with the parties to the FEC. I don't think the FEC or the country are well served by the kind of ''balanced'' Commission that we now have, where the Democratic and Republican Commissioners reliably line up on opposite sides of issues that have a partisan flavor, and line up in lock step together on issues that implicate the rights of third parties. I would like to see Commissioners on both sides who have an appreciation of the importance of the campaign finance laws and will vote to ensure fairness in elections.

But until we have that kind of President, who is willing to stand up to the leadership of the parties, we still have the Senate's duty of Advice and Consent. Nowhere is it said in the Constitution that the power of Advice and Consent is any different for members of the FEC. Otherwise, why would we not just have the President nominate people and not have the Senate vote. It is an abdication of the Senate's duty, I believe, for us to give any less scrutiny to this nominee simply because it is paired with another nominee from the other party.

The Senator from Kentucky also claimed that a nominee for a spot on the FEC has never been defeated on the floor, and that is true. But it is not true that the wishes of each of the parties has always been respected. In the mid-1980s, the Republican Party, under pressure from the National Right to Work Committee, blocked the reappointment of a Democratic Commissioner, Thomas Harris, because of his work as a lawyer representing unions. President Reagan refused to renominate Harris, and after a lengthy stalemate, another nominee was suggested.

So much of the argument in favor of this nominee today has been based on this notion that to try to stop an FEC nomination is a complete break with precedent, that we have to simply rubberstamp this pairing of two FEC commissioners. The reality is contrary to the suggestion earlier today, the party of the Senator from Kentucky has not always acquiesced in the choice of the Democratic Party for its seats on the commission.

Let me finally just dispel one misconception that I think some might have about the negotiations and agreements that led to this debate, which is clearly tied to various judicial and other nominations. There is no requirement here that Professor Smith's nomination be approved by the Senate in order for these other nominations to go forward. That is a misconception that some, particularly on our side, may believe. It is simply not the case with regard to the unanimous consent agreement and the negotiations between the majority leader and minority leader. In fact, it would be an abdication of our responsibility not to vote on the merits of this particular nominee regardless of the other nominations whose consideration was linked to the consideration of this nomination.

With that I reserve the remainder of my time and I yield the floor.

Mr. President, I ask the time be charged equally as I suggest the absence of a quorum.

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. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALLARD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Mrs. BOXER. Mr. President, Senator GRAMS quoted a letter to President Clinton that I signed last year. He took this letter out of context. In supporting the public pension systems of state and local government workers, I called for the continuance of those plans—not for the creation of private, individual accounts.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 22, 2000, the Federal debt stood at $5,673,857,621,024.05 (Five trillion, six hundred seventy-three billion, eight hundred fifty-seven million, six hundred twenty-one thousand, twenty-four dollars and five cents).

Five years ago, May 22, 1995, the Federal debt stood at $4,883,843,000,000 (Four trillion, eight hundred eighty-three billion, eight hundred forty-three million).

Ten years ago, May 22, 1990, the Federal debt stood at $3,092,808,000,000 (Three trillion, ninety-two billion, eight hundred eight million).

Fifteen years ago, May 22, 1985, the Federal debt stood at $1,750,663,000,000 (One trillion, seven hundred fifty billion, six hundred sixty-three million).

Twenty-five years ago, May 22, 1975, the Federal debt stood at $522,752,000,000 (Five hundred twenty-two billion, seven hundred fifty-two million) which reflects a debt increase of more than $5 trillion—$5,151,105,621,024.05 (Five trillion, one hundred fifty-one billion, one hundred five million, six hundred twenty-one thousand, twenty-four dollars and five cents) during the past 25 years.

ADDITIONAL STATEMENTS

CELEBRATING THE NALC NATIONAL FOOD DRIVE

● Mrs. BOXER. Mr. President, on the second Saturday of each May, letter carriers across the United States collect food donations on their postal routes to deliver to community food banks, shelters and pantries. I commend the National Association of Letter Carriers (NALC) for creating and sponsoring the largest one-day food drive in the country with over 100,000 letter carriers participating in more than 10,000 cities and towns.

Not only do America's postal workers perform an important function in our economy and in our daily lives, they make a difference in improving the lives of needy citizens. I extend my appreciation and thanks to NALC's leaders and members for their dedication and commitment to their strong tradition of community service.

The food drive started as small pilot program in 10 cities and, as a result of its huge success, was expanded nationwide. The program asks postal patrons to place a box or bag of food next to their mailboxes. The food is picked up, sorted at postal stations and then delivered to area food banks by letter carriers.

I am pleased to note that in my home state, the California State Association of Letter Carriers was among those state associations which donated the largest amount of food in the national drive. It is my hope that during the month of May and throughout the year, Americans will consider becoming involved in the NALC Food Drive and in other activities serving the less fortunate in our communities.●

ABC'S 50TH ANNIVERSARY

● Mr. HUTCHINSON. Mr. President, I rise today to congratulate the Associated Builders and Contractors (ABC) as they approach their 50th Anniversary. ABC was founded by seven contractors in Baltimore, Maryland on June 1, 1950, and is today a national trade association representing over 22,000 contractors, subcontractors, material suppliers and related firms from across the country and from all specialties in the construction industry.

ABC is the construction industry's voice for merit shop (open shop) construction as ABC is the only national association devoted to the merit shop philosophy. Merit shop companies employ approximately 80 percent, or four out of five, of all American construction workers and seek to provide the best management techniques, the finest craftsmanship, and the most competitive bidding and pricing strategies in the industry. ABC believes that union and merit shop contractors and their employees should work together in harmony and that work should be awarded to the lowest responsible bidder regardless of labor affiliation.

I greatly appreciate ABC's commitment to developing a safe workplace and high-performance work force through quality education and training with comprehensive safety and health programs. I also appreciate ABC's dedicated efforts to secure free enterprise, fair and open competition, less government, more opportunities for jobs, tax relief, increased training, and the elimination of frivolous complaints and over-regulation.

Accordingly, I thank ABC for their efforts and wish them continued success in their efforts to ensure that the American construction industry continues to afford the finest work product and greatest opportunity in the world.●

LOCAL LEGACIES PROJECT

● Mr. BAUCUS. Mr. President, I rise today to honor a select few individuals from my home state of Montana. I have personally nominated these individuals to represent Montana in the Library of Congress' Local Legacies Project as part of their Bicentennial Celebration. The Local Legacies project has allowed citizens to participate directly in this great celebration. The participants have documented America's grassroots heritage in every state, the U.S. Trusts and Territories, and the District of Columbia. Their documentation provides

a snapshot of the nation's unique traditions as we begin a new century. My nominees for Montana's Local Legacies have worked hard to represent the beauty and deeply rooted heritage of our rugged and wide open state. The survival of our heritage is important for knowing not only where we came from, but where we are going. And for this, I commend them.

Native Reign, is composed of Northern Cheyenne youth to promote the need for education, respect for the environment, development of personal skills, respect of tribal elders and a strong spiritual foundation. They have been supported by their adult leader Ken Bisonette and his efforts to make Native Reign the role model it has become. They combine traditional Native American dances, skits, with contemporary music to celebrate the history and traditions of the tribe. On April 9, 1999, they received the Governor's Award at the State Capitol Building in Helena from Montana Governor Marc Racicot for their success in showing Montana youth an alternative lifestyle to teen pregnancy, drugs and alcohol abuse, gangs, and violence. They are a role model for not only the young people of Montana, but for the rest of the United States as well. Congratulations Native Reign, you are truly a legacy!

Mike Logan, Montana's very own Cowboy Poet has contributed a book of poetry illustrated with original photographs he took during his travels throughout our breathtaking state. His book is entitled ''Montana Is . . .'' Mike wanted to share some of the beauty he had been privileged to experience and photograph in his 21 years living in Montana. As part of his introduction to the book, Mike states: ''I love everything about Montana. . . . I still feel like I'm spending every day in heaven.'' Words that ring so true to my own heart. Mike paints a verbal and visual picture true to the very poetic nature of Montana's scenic beauty and spectacular wildlife. I would encourage everyone to pick up his book and take a journey into Montana's rich heritage. Thank you Mike, your poetry is one more part of our history we are lucky to have!

The Metis Project: When they Awake—was created and produced by Helena Presents, a production, presentation and film center based in Helena, Montana. It is a celebration of the extraordinary legacy of fiddle music of the Metis people. The project explores the musical and social legacy of a tribe without boundaries, whose heritage results from marriage between Indians and Europeans throughout the Northern Plains from Sault St. Marie, Michigan, to Choteau, Montana, across both sides of the 49th parallel. Central to the project is the creation of a new musical work that references the indigenous American rhythms and diverse European fiddle heritage that is present in Metis music. The name of the presentation is based on a prediction of Louis Riel, a teacher, writer, and hero to the Metis people:

My people will sleep for one hundred years, but when they awake, it will be the artists who give them their spirit back.

Composer and performers Philip Aaberg and Darol Anger collaborated with master Metis fiddler, Jimmie LaRocque to revive once again the melodious spirit of the Metis people. Gentlemen, I take my hat off to you!

Five St. Ignatius High School students from St. Ignatius, Montana, who present and preserve their area's native traditions using interviews with farmers and ranchers of the Mission Valley of Montana along with poignant photographs which paint a dramatic picture of farm life in the Mission Valley. The report summarizing their findings was written by their teacher Marta Brooks. Students in Brooks's English and history classes used the ''heritage education'' approach to the study of local culture. They collected stories, oral histories, historical documents, art and geological information that reflect the unity of landscape and culture. Montana's traditional farmers and ranchers are becoming a dying breed so because of the change in the local landscape with the inevitable change in the local culture the students were prompted to initiate this project as a way to document and preserve the area's native culture and traditions before they cease to exist. Thank you all for your efforts to immortalize our rich agricultural heritage. Your hard work brings a lot of pride to Montana!

Montana Horse Story, was brought to us through the use of still photography, film, and field reporting, by a mother/son team, Allison and Joshua Collins. Allison and Joshua are part of a company called Related Images. Their project documents the legacy of the horse for work, transportation, and recreation as preserved by various Montana events such as rodeo, the Miles City Bucking Horse Sale, Indian rodeo, and O-mok-see. Their work was last seen locally, in an exhibit of rodeo photography, at the Holter Museum, in Helena, Mt. Much like the other Local Legacies projects, Montana Horse Story pinpoints a vital part of Montana's rich traditions, that without it we would not be the people that we have become. Joshua and Allison, you have captured our spirit in some of its best moments. Without your talents and dedication, our story would never be heard. Thank you!

I conclude with one final remark: Without the hard work of all these individuals, Montana's rich cultural heritage may never be known. You should all be very proud of your efforts. I know Montanans are. And I most certainly am.●

NATIONAL SCHOLARSHIP MONTH

● Mr. GRAMS. Mr. President, our nation's prosperity and continued success are directly related to the education of our citizens. As the price tag of higher education continues to rise, the importance of financial aid programs has never been greater. To recognize those who help students achieve their goal of a higher education and to promote the accessibility of higher education to everyone, May has been designated as National Scholarship Month.

I would like to draw attention to one organization in particular that deserves accolades for its efforts to provide financial aid to students. The Minnesota-based Citizens' Scholarship Foundation of America (CSFA) is the nation's largest private sector scholarship and educational support organization. Since its founding in 1958, CSFA has distributed over $561 million to more than 572,000 students. Through more than 800 ''Dollars for Scholars'' chapters, the Foundation has established a grassroots network, with proven results.

I applaud the Foundation's tireless efforts to increase private sponsorship of scholarships to our nation's youth. I also congratulate and thank the dozens of Minnesota companies, organizations, and foundations that work with CSFA to help ensure that a higher education is an affordable education. Additionally, I join in CSFA's challenge to the communities, organizations, businesses, and individuals that already sponsor scholarships to double the number of awards, and I invite others to establish scholarship programs this year.

Mr. President, it is my hope that CSFA's leadership in the multitude of National Scholarship Month activities around the nation will broaden the support for private scholarship dollars and increase the level of participation. Today, I ask my colleagues to join me in celebrating the generosity of our nation's scholarship sponsors during this National Scholarship Month.●

BICENTENNIAL OF LIBRARY OF CONGRESS

● Mr. MOYNIHAN. Mr. President, I rise today to honor the Library of Congress on the occasion of its Bicentennial. Since April 24, 1800, when President John Adams created the Library, it has stood as the foremost research library in the world. But more importantly it has been a symbol of the public's freedom of access to information, an idea which is the bedrock of our Republic.

The history of the Library of Congress is filled with some rather compelling stories. The early days of the Library were turbulent, to say the least. In 1813, in what may not have been our nation's proudest moment, American troops burned the Parliament House and the Library of Canada in present day Toronto. Seeking revenge, a year later British troops stormed into Washington, burned the White House and the Capitol, including the original Library of Congress. Recognizing that this national treasure must be restored, the then retired Thomas Jefferson offered his personal library at Monticello as a replacement.

Today the Library is the most comprehensive library in the country, and

is almost completely open to the public. It is more than just Congress' library, it is the nation's source of knowledge.

This year we have been marking the Library's 200th anniversary. It comes as no surprise that the centerpiece of this year's Bicentennial celebration is the Local Legacies Project, a volunteer project that celebrates America's history, culture, and folklore. With this exhibit the Library will showcase important events, places, and people from around the nation—things that help define who we are as Americans and what this country is all about.

I am proud that five projects from across New York State which I designated have been included as part of the Local Legacies Project. They are the Little Falls Canal Celebration, Winter Olympics at Lake Placid (Olympic Regional Development Authority), Summer at Jones Beach (New York State Parks), ''Immigrant Life in New York'' (Lower East Side Tenement Museum), and the Allentown Arts Festival. I believe that these events, along with those other projects nominated by my colleagues from the New York Congressional Delegation, represent the diversity and rich history that is New York State.

The Lower East Side Tenement museum shows how New York City's large and diverse immigrant culture lived upon beginning their new lives in America. Jones Beach represents the many recreation opportunities our state offers and how families spend time together. The Little Falls Canal Celebration is about the history of our State's industrial development and the pride a local community has taken in that history. Were it not for the Erie Canal, New York would not be the Empire State. Lake Placid, home of two Winter Olympics is about New York's rich sports history. It also is a showcase for the beauty and majesty of the Adirondack Mountains. Finally, the Allentown Arts Festival is about our commitment to the arts, something which can be seen across the State but especially in Allentown.

It was one of the great and inspired choices of our predecessors in the Congress to purchase Thomas Jefferson's personal library, and thereafter establish the Library of Congress. As New Yorkers, with our Public Library, we truly understand the eminence of the Library of Congress. It is the largest research library in this country, and indeed the world. The Local Legacies Project is a fitting way to celebrate this great treasure. The Library is about preserving and disseminating knowledge about many things, but especially about this great nation. The Local Legacies project is about commemorating and showcasing that knowledge.●

THE MATCHMAKERS

● Mr. BOND. Mr. President, when journalists and political scientists write about the activities here, they often prepare articles about how a bill becomes a law. That is an interesting study, but it is only half of the story. In fact, it is equally interesting to see how a law becomes a program—how words on the law books are transformed into a working program that delivers services to our constituents.

The key to that process is people. Ultimately, someone has to take responsibility for carrying out the laws we craft here. Today I want to recognize a group of people who are aggressively working to give life to the HUBZone program we passed in 1997.

The HUBZone program seeks to use the Government's purchasing power to encourage economic growth and job creation in the Nation's most intransigent areas of poverty and unemployment. These areas often present the greatest challenge because they lack a strong customer base.

As a result, small businesses tend not to locate in these areas, preferring to set up their operations in more prosperous areas that have an established stream of customer traffic. The HUBZone program seeks to offset this imbalance by making the Government a customer to firms willing to invest in these hard-to-reach communities.

Over two years have passed since the HUBZone program was signed into law, but progress has been very slow. Recently the Small Business Administration certified the 1,000th HUBZone small business concern, a major milestone. However, the need is much greater. Without a large base of certified firms, the Government will not have enough participating companies to do business on the scale we envisioned in writing the program.

Because of this lack of certified companies, some agencies are throwing up their hands and opting not to carry out the HUBZone law. Without enough vendors to bid on contracts, some agencies are letting this tremendous new resource sit idle.

Defense Department agencies in the New England States have proved an exception to that rule. The Northeast Regional Council, which comprises small business officers from Defense agencies and Procurement Technical Assistance Centers, along with defense contractors large and small, created a special High Performance Team dubbed ''The Matchmakers'' to identify problems in implementing the HUBZone program and to work aggressively to solve them.

The Matchmakers found six components that were mismatched (''the hexa-mismatch problem''): contract requirements, suppliers, commodities, agency databases, education and benefits under the program, and the HUBZones themselves. For example, commodities to be purchased were not matched with suppliers who could provide them, and those suppliers were not necessarily matched to HUBZone areas that would make them eligible to participate.

Having distilled the problem to its most basic elements, the Matchmakers are now setting out to track down suppliers who could fill the agencies' procurement needs, identify those that are located in HUBZones, educate them about the program benefits, and get them to apply for certification.

Mr. President, this kind of aggressive action is exactly what is necessary to transform the HUBZone Act from mere words on a page into a program that helps real people and communities. Someday, when the HUBZone program is delivering benefits and creating jobs for people who currently do not have them, it will be essential to remember the people who made it possible. So that their names are not forgotten, I ask to include in the RECORD a list of the members of the Matchmakers High Performance Team, and I call the attention of my colleagues to their leadership and hard work.

Richard S. Alexander, Market Development Center, Bangor, ME

Ronald R. Belden, Kollsman Inc., Merrimack, NH

Deborah Bode, Kaman Aerospace Corporation, Bloomfield, CT

Ira M. Brand, Sanders-Lockheed Martin, Nashua, NH

Cynthia Busch, Market Development Center, Bangor, ME

Sean Crean, Small Business Administration, Augusta, ME

Carl E. Cromer, Defense Contact Management Command, Hartford, CT

Janette Fasano, Small Business Administration, Boston, MA

Joseph M. Flynn, New Hampshire Office of Business and Industrial Development, Concord, NH

John Forcucci, BBN Corporation, Cambridge, MA

Benita Fortner, Raytheon Company, Lexington, MA

Len Green, Massachusetts Small Business Development Center, Salem, MA

Keith Hubbard, Small Business Administration, Bedford, MA

Maridee N. Kirwin, GEO-Centers, Inc., Newton Center, MA

Gregory Lawson, State of Vermont Department of Economic Development, Montpelier, VT

Ken Lewis, Rhode Island Economic Development Corporation, Providence, RI

John H. McMullen, General Dynamics Government Services Corporation, Needham Heights, MA

David J. Rego, Naval Undersea Warfare Center Division Newport, Newport, RI

Barbara A. Riley, Textron Systems, Wilmington, MA

Michael Robinson, Massachusetts Procurement Technical Assistance Center, Amherst, MA

Philip R. Varney, Defense Contract Management Command, Boston, MA

Arlene M. Vogel, Connecticut Procurement Technical Assistance Center, New London, CT●

GEORGIA RESEARCH ALLIANCE HELPS CONVERT A VISION INTO REALITY

Mr. CLELAND. Mr. President, ten years ago the business, government and academic leaders in the state of Georgia had a vision. Their vision was to cultivate and develop a robust technology-driven economy and to make

Georgia's high-tech industry one of the best in the nation. I'm pleased to report that this vision is a reality today. Georgia is now the nation's leader in generating high-tech jobs and Atlanta is the undisputed high-tech capital of the Southeast! I'd like to pay tribute to the men and women of Georgia for their role in making these monumental achievements possible.

One of the leading organizations that is responsible for advancing Georgia's high-tech economy is the Georgia Research Alliance. The Alliance's mission is to develop Georgia's high-tech economy by enabling the states's research universities to become powerful engines of economic growth. The Alliance has carried out its mission over the past ten years by strategically investing $240 million in State and Federal funding and $65 million in matching funds from private sector firms, like Bell South, Merial Corporation and Georgia Power. These investments are paying big dividends. First, Georgia has utilized over $600 million in Federal grants and contracts for building a premier high-tech research infrastructure through focused investments in the State's research universities, creating endowments for eminent scholars, building state-of-the-art research facilities and equipping the State's research laboratories. The Alliance has also been responsible for creating a high-tech, business friendly environment that has created new businesses from the research findings developed in the State's universities and enticed eminent scholars to relocate to Georgia.

Another key achievement of the Alliance is growing high-tech jobs in the state. Since the Alliance began serving Georgia just ten years ago, the number of high-tech jobs in the state has more than doubled. These exceptional achievements have made Georgia the national leader in high-tech job growth and allowed Georgia to gain worldwide recognition for its ability to craft a state-of-the-art technology-based economy.

It is the efforts of many individuals, researchers and scholars, working with and for the Alliance, that have led to the successes this organization has attained. The Alliance has been responsible for attracting some of the best researchers and scholars in the world to help build Georgia's premier high-tech infrastructure. For example, Dr. Julia Hilliard, an Alliance Eminent Scholar in molecular biotechnology at Georgia State University, has come to Georgia with an interest in preventing the spread of herpes-B, which is one of the most feared occupational hazards in biomedical science. Dr. Rafi Ahmed at the Emory University School of Medicine is working to develop a vaccine that will permit the human immune system to respond with greater vigor when encountering a previously encountered pathogen. Included in this cutting-edge organization are world renowned researchers like Dr. Rao Tummala of the Georgia Institute of Technology, whose interests are the next generation electronic packaging, integral passive components, ultra high-density substrate technologies. These are only a few of the many dedicated researchers and scholars who are helping to shape Georgia's high-tech economy for the 21st century and are ensuring that Georgia becomes an even stronger world-class leader in high-tech development.

There are many others who are working on notable projects, from agricultural biotechnology to water and air quality enhancements to technology-based learning, to e-commerce and wireless communication. All of the Eminent Scholars who have chosen Georgia to undertake their research do so for one reason—the strategic course Georgia has chosen to make its high-tech economy world class by the year 2010.

The major drive in developing Georgia's technology economic sector has been the investment of hundreds of millions of dollars to establish new, leading-edge research programs, especially those involving collaboration between academic and industrial scientists and engineers. These investments have gone to developing research at Georgia's universities and have resulted in tremendous advances in technology related discoveries. These successes are continuing today by investments in people, laboratory construction and specialized instrumentation in support of collaborative research and development.

This year the Alliance is expected to invest an additional $34 million to continue the progress being made to develop Georgia's technology-based economy. This effort includes $29.5 million for laboratory construction in support of collaborative research and development conducted by eminent researchers. Another $3.75 million will be used to fund endowments that will be used to recruit five additional Eminent Scholars for Georgia. The remaining $750,000 will be spent to continue the Alliance's highly successful Technology Partnerships which encourage new relationships with industry and assist in the commercialization of university-based research.

One of the highly promising projects that is being considered for future development is a project at the University of Georgia to add world-class and cutting edge animal genomics technology to Georgia's research and business sectors. For another project, it is envisioned that a team of collaborating Eminent Scholars from Albany State University and Georgia State University will be researching solutions on how to effectively deal with water scarcity problems. To help combat global infectious diseases, a collaborative team of respected scholars from Emory University, the Medical College of Georgia, University of Georgia, Georgia State and Geogia Tech will create a unique research program which will lead to the development and commercialization of new vaccines, diagnostics and drugs to prevent and treat infectious diseases that threaten the health of the world's population and livestock. This is only a sample of the extraordinary projects that are envisioned for this year. Just wait until next year. The advancements made by these projects will no doubt create even more exciting high-tech initiatives in the future.

The Alliance, through its hard work and dedicated people, has received worldwide recognition for its achievements and is prepared more than ever before to attract and retain some of the best researchers in the world. The Alliance has already been responsible for generating over 80,000 new jobs since 1990, and they are creating more jobs than ever through the formation of new technology-based companies. These companies are being formed almost daily in Georgia by converting research technology developed in university and industry laboratories into new commercial applications. One example is AviGenics, Inc., a development-stage company formed to commercialize the results of novel laboratory technologies in chicken transgenesis discovered at The University of Georgia. The company's avian transgenesis platform is being used to improve poultry agronomic traits and helping the pharmaceutical industry by producing high volumes of pharmaceutically-important proteins in eggs. Another successful high-tech upstart is the Digital Furnace Corporation. Formed in mid-1998, Digital Furnace is a spin-off from the Broadband Telecommunications Center led by Georgia Research Alliance Eminent Scholar John Limb, who successfully developed broadband technology to interconnect and automate the entire home. These enterprises are benefitting directly from Georgia's investment in new, state-of-the-art laboratories that the Alliance helped to build.

Even established major information technology companies are being attracted to Georgia by the presence of our strong science and technology programs and the state's commitment to growing the pool of eminent scholars. Today companies like Lucent Technologies are seeking to capitalize on Georgia's high-tech infrastructure. Recently, Lucent Technologies chose Atlanta to be home for its new Wireless Laboratory. The decision was based largely on its ability to work in close partnership with Georgia's great researchers and the Alliance's commitment to establish an eminent scholar chair and invest in a wireless systems laboratory at Georgia Tech. These investments are resulting in Georgia Tech's and Lucent's researchers working in partnership to further develop wireless communication capabilities. This partnership is also helping to bridge the gap between a company's problems and the expertise available at our research universities which, in

turn, is resulting in high-tech job creation and retention for the state of Georgia.

The work of the Alliance has only begun and they have great plans to build on their current successes by creating a stronger technology infrastructure in the State in the future. Their goal, as it has been in the past, is to make Georgia's technology economic sector one of the top five in the nation by the year 2010. The outstanding successes of the men and women of the Alliance have already proven that they are capable of achieving this goal. Based on the successes they have already achieved, I believe they will reach their goal sooner than expected. Ladies and gentleman of the Georgia Research Alliance, I am very grateful for your contributions and I am looking forward to your continued successes. Thank you very much for making Georgia a world class leader in technology development and for making Georgia's technology economy one of the best in the nation.●

THE IMPACT OF OSTEOPOROSIS

● Mr. GRASSLEY. Mr. President, I'd like to take a few moments to address a health issue of critical importance to Americans, especially older women. Osteoporosis affects 28 million Americans, 80 percent of whom are women. Nearly one in every two women and one in every eight men over age 50 will experience an osteoporotic fracture in his or her lifetime. This disease measurably impact the ability of many older Americans to maintain the independence and mobility so integral to mental well-being.

Osteoporosis is estimated to cost the United States care system $14 billion annually. In my home state of Iowa, it is estimated that $2.9 billion will be spent over the next 20 years as a result of hip, wrist and vetebral fractures. Annual costs are expected to increase from $76 million in 1995 to more than $229 million in 2015.

According to the Iowa Department of Elder Affairs, Iowa is the state with the highest proportion of people considered to be the ''oldest old'' in the country. Twenty percent are 80 years of age and over. The people in this age segment are more frequently women. They are usually living alone; and they are probably the persons with the lowest incomes.

One of the most sobering facts is that osteoporosis is largely preventable. Prevention is a key element in fighting the disease, because while there are numerous treatments for osteoporosis, there is no cure. According to the National Osteoporosis Foundation, there are four ways an individual can prevent osteoporosis. First, maintain a balanced daily diet rich in calcium and vitamin D. Participate in weight-bearing exercise. Do not smoke or drink excessively. And finally, when appropriate, have your bone density tested and take any physician-prescribed medications. All this to say, osteoporosis is a disease which we in the Senate cannot afford to take lightly.

The National Osteoporosis Foundation has declared May to be National Osteoporosis Prevention Month. In my capacity as an honorary member of the foundation's board of trustees, I am glad to have the opportunity to come to the floor to raise the issue of osteoporosis and speak on the need for continued vigilance in battling this disease.

In addition to being National Osteoporosis Prevention Month, May also marks a one-year anniversary for a special group in Iowa. In May 1999, a group of Newton, Iowa, residents formed the Newton Support Group under the leadership of Peg Bovenkamp and with the help of Skiff Medical Center. The Newton group is the first Iowa support network affiliated with the National Osteoporosis Foundation. Today, the members of the Newton Support Group are participating in Newton's Senior Citizen's Health Fair. I wish them success as they provide information to older Iowans about osteoporosis prevention and treatment. It is my sincere hope that in coming years we will see similar groups form in other parts of my great state and throughout the region.

Throughout my years in Congress, I have championed effort to increase awareness and research funding for osteoporosis. In the 102nd Congress, I introduced legislation to increase research at the Arthritis Institute, form a research center on osteoporosis, and create a Health and Human Services interagency council to set priorities for osteoporosis research.

More recently, I cosponsored legislation which passed as part of the Balanced Budget Act (BBA) of 1997. The Bone Mass Measurement Coverage Standardization Act, as included in the BBA, provides Medicare reimbursement for bone mass density tests for vulnerable beneficiaries. This benefit took effect July 1, 1998. And, yesterday I sent a letter to the Health Care Financing Administration (HCFA) requesting information and the most recent data possible on program utilization.

Osteoporosis deeply affects the lives of older Americans, mostly women. And, it is preventable if healthy lifestyle choices are made at a young age. As we recognize National Osteoporosis Prevention Month, I would commend the National Osteoporosis Foundation, the Strong Women Inside and Out coalition, Peg Bovenkamp and the Newton Support Group, and all those working to raise awareness of the disease. It is my sincere hope that someday in the not too distant future, I can again come to the floor with news of a cure for osteoporosis. Until that time, I will continue supporting efforts to eradicate this devastating disease.●

THE HISTORIC WOMEN'S COLLEGES AND UNIVERSITY BUILDING PRESERVATION ACT

● Mr. COVERDELL. Mr. President, I rise to announce that I have added my name as a cosponsor to S. 2581, the Historic Women's Colleges and University Building Preservation Act, which supports the preservation and restoration of historic buildings at seven historically women's public colleges or universities. One of the colleges eligible under this bill is Georgia College and State University, which is located in Milledgeville, Georgia. This campus was founded in 1889 as the sister institution to Georgia Tech. At the time, its emphasis was on preparing young women for teaching or industrial careers.

Georgia College and State University has grown significantly over the years and is now the state's designated liberal arts university, with a mission of combining the educational experiences typical of esteemed private liberal arts colleges with the affordability of public education. The school serves as a residential learning community with an emphasis on undergraduate education and offers selected graduate programs as well.

Several historic buildings comprise the campus which is located in the heart of the historic district of the city, which served as my state's capital for much of the 19th Century. The former Governor's mansion, the old Baldwin County Courthouse, and several historic residence halls are all candidates for the $10 million proposed in this legislation.

Mr. President, the schools which would receive funding under S. 2581 serve as a reminder of the struggle women went through to obtain access to higher education in our Nation. It is important that we do not allow these campuses to fade into history. I encourage all of my colleagues in the Senate and House to fully support this important legislation.●

DRUG COURTS IN THE YEAR 2000

● Mr. CAMPBELL. Mr. President, today I want to recognize Drug Courts and highlight the invaluable role they play in our Nation's war on drugs. As I have done at this time of the year for the past two years, I take this opportunity to call my colleagues' attention to the significant contribution Drug Courts make. Above all, I want to take this opportunity to once again recognize and applaud the dedicated professionals who have made our Nation's Drug Courts the successes they are today.

As our Drug Courts enter their eleventh year of operation, they are as important as ever in our Nation's battle against drug abuse and the devastating impact drugs have on our Nation and its families. Over the past year 100-plus new Drug Courts have been established throughout the country, bringing the

total number to over 700. Additionally, Drug Courts are now expanding internationally, underscoring their value around the world.

I am especially glad to hear that some of our Drug Courts' best practices are now being tailored to the needs and values of native communities, which for many years have suffered disproportionally from the scourge of substance abuse. The kinds of programs offered by Drug Courts could play a vital role in breaking the ''Iron Triangle'' of substance abuse, gangs and crime that trap far too many of our Nation's Native Americans and others in a cycle of poverty and hopelessness.

Next week—from June 1st and 3rd, 2000—the National Association of Drug Court Professionals (NADCP) will host the 6th Annual NADCP Drug Court Training Conference entitled ''Expanding the Vision: The New Drug Court Pioneers.'' in San Francisco, California. The NADCP expects that this year's drug court conference will be the largest ever, with over 3,000 drug court professionals slated to attend.

This year, six individuals will receive the 2000 NADCP New Pioneers Award. I congratulate and thank each of these six outstanding people. I especially want to recognize an award recipient from my home state of Colorado, the Denver District Attorney, William Ritter, Jr.

The Denver Drug Court is the first—ever drug court system which now handles 75 percent of all drug cases filed in the city and county of Denver. All offenders, with the exception of illegal aliens, those arrested with a companion non-drug felony case or who have two or more prior felony convictions, are handled in this court. Most individuals are assessed within 24 hours of arrest. The pre-trial case managers monitor offenders on bond, while they await entry into the program. Over 8,000 participants have entered the program since it began operations on July 1, 1994.

As the Chairman of the Treasury and General Government Subcommittee, which funds the Office of National Drug Control Policy (ONDCP), I took the opportunity to visit the Denver Drug Court with ONDCP Director Barry McCaffrey. We met with the Drug Court professionals and observed their judicial procedures. We also saw first-hand how the court's programs have a direct impact on drug-abusing offenders. I believe the Denver Drug Court serves as a role model for the next generation of Drug Court practitioners

Drug Courts continue to revolutionize the criminal justice system. The strategy behind Drug Courts departs from traditional criminal justice practice by placing non-violent drug abusing offenders into intensive court supervised drug treatment programs instead of prison. Drug Courts aim to reduce drug abuse and crime by employing tools like comprehensive judicial monitoring, drug testing, supervision, treatment, rehabilitative services, as well as other sanctions and incentives for drug offenders.

Statistics show us that Drug Courts work. More than 70 percent of Drug Court clients have successfully completed the program or remain as active participants. Drug Courts are also cost-effective. They help convert many drug-using offenders into productive members of society. This is clearly preferable to lengthy or repeated incarceration, which traditionally has yielded few gains for those struggling with drugs or our Nation as a whole. Drug Courts are proving to be an effective tool in our fight against both drug abuse and other drug-related crime.

I urge my colleagues to join me in recognizing those Drug Court professionals who are improving their communities by dedicating themselves to this worthwhile concept and expanding the vision for the next generation of practitioners.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry treaties, nominations, and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE—A MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)) (the ''Act''), I transmit herewith the Agreement Between the United States of America and the Republic of Chile on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Santiago on February 16, 2000.

The United States-Chilean Agreement is similar in objective to the social security agreements already in force between the United States and Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Chilean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(c)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 22, 2000*.

THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)) (the ''Act''), I transmit herewith the Agreement Between the United States of America and the Republic of Korea on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Washington on March 13, 2000.

The United States-Korean Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to

help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Korean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 22, 2000*.

MESSAGES FROM THE HOUSE

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1752. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

The message further announced that the House has passed the following bills, with amendment, in which it requests the concurrence of the Senate:

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

S. 1236. An act 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.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 154) to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 834) to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1832) to reform unfair and anticompetitive practices in the professional boxing industry.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 302. Concurrent resolution calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace.

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 44. 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.

At 4:53 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

S.J. Res. 44. An act 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.

H.R. 154. An act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

H.R. 834. An act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1752. An act to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

The following bill was referred to the Select Committee on Intelligence, pursuant to section 3(b) of Senate Resolution 400, 94th Congress, for a period not to exceed 30 days of session:

S. 2089. An act to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 302. Concurrent resolution calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 23, 2000, he had presented to the President of the United States, the following bill and joint resolution:

S. 1836. An act to extend the deadline for commencement of construction of hydroelectric project in the State of Alabama.

S.J. Res. 44. 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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2260: A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes (Rept. No. 106–299).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1089: A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes (Rept. No. 106–300).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2327: A bill to establish a Commission on Ocean Policy, and for other purposes (Rept. No. 106–301).

(By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 1651: A bill to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country (Rept. No. 106–302).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2089: A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searchers for foreign intelligence purposes, and for other purposes.

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 2603: An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–304).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals, Fiscal Year 2001'' (Report No. 106–303).

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 Ms. SNOWE (for herself and Ms. COLLINS):

S. 2602. A bill to provide for the Secretary of Housing and Urban Development to fund, on a 1-year emergency basis, certain requests for grant renewal under the programs for permanent supportive housing and shelter-plus-care for homeless persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 2603. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; placed on the calendar.

By Mr. DORGAN (for himself and Mr. ROCKEFELLER):

S. 2604. A bill to amend title 19, United States Code, to provide that rail agreements and transactions subject to approval by the Surface Transportation Board are no longer exempt from the application of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 2605. A bill to amend the Internal Revenue Code of 1986 to expand income averaging to include the trade or business of fishing and to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. BRYAN, Mr. BREAUX, Mr. INOUYE, Mr. FEINGOLD, Mr. EDWARDS, Mr. KERREY, Mr. CLELAND, Mr. DURBIN, and Mr. BYRD):

S. 2606. A bill to protect the privacy of American consumers; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 2607. A bill to promote pain management and palliative care without permitting assisted suicide euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. ROTH):

S. 2608. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2609. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. THOMAS, Mr. CRAIG, and Mr. FEINGOLD):

S. 2610. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. LEVIN:

S. 2611. A bill to provide trade adjustment assistance for certain workers; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH):

S. 2612. A bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 2613. A bill to amend the Tariff Act of 1930 to permit duty drawbacks for certain jewelry exported to the United States Virgin Islands; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2614. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment on certain manufacturing equipment; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 2615. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. KOHL, Mr. WELLSTONE, Mrs. FEINSTEIN, and Mr. GRAMS):

S. Res. 309. A resolution expressing the sense of the Senate regarding conditions in Laos; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. ROBB, Mr. SMITH of New Hampshire, Mr. REED, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Mr. ROBERTS, Mr. HUTCHINSON, and Mr. SESSIONS):

S. Res. 310. A resolution honoring the 19 members of the United States Marine Corps who died on April 8, 2000, and extending the condolences of the Senate on their deaths; considered and agreed to.

By Mr. BOND (for himself, Mr. KERRY, Mr. ABRAHAM, Mr. BURNS, Ms. SNOWE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, and Mr. HARKIN):

S. Res. 311. A resolution to express the sense of the Senate regarding Federal procurement opportunities for women-owned small businesses; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 312. A resolution to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 313. A resolution to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al; considered and agreed to.

By Mr. BOND (for himself, Mr. ASHCROFT, and Mr. ROBERTS):

S. Con. Res. 114. A concurrent resolution recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I; to the Committee on Energy and Natural Resources.

By Mr. THOMAS (for himself and Mr. ENZI):

S. Con. Res. 115. A concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes; to the Committee on Rules and Administration.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. HELMS, Mr. BIDEN, Mr. GRAHAM, Mr. BAUCUS, Mr. HARKIN, Mr. JOHNSON, Mr. DODD, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CONRAD):

S. Con. Res. 116. A concurrent resolution commending Israel's redeployment from southern Lebanon; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2602. A bill to provide for the Secretary of Housing and Urban Development to fund, on a 1-year emergency basis, certain requests for grant renewal under the programs for permanent supportive housing and shelter-plus-care for homeless persons; to the Committee on Banking, Housing, and Urban Affairs.

HOMELESS ASSISTANCE LEGISLATION

● Ms. SNOWE. Mr. President, I rise to introduce legislation designed to guarantee funding for Department of Housing and Urban Development (HUD) McKinney Act homeless assistance programs, including Shelter Plus Care and the Supportive Housing Program (SHP).

The legislation I am introducing today mirrors legislation introduced earlier this year in the House by Representative LAFALCE and included in the House version of the FY01 supplemental, which would renew existing Shelter Plus and SHP contracts and fund them under the budget for the HUD Section 8 housing assistance program.

The renewals funded under this legislation would provide grant funding for existing programs that support assistance to some of the most vulnerable Americans—the homeless. Without the resources that this bill is designed to provide, many who receive assistance today will literally be left out in the cold.

Keep in mind that these are not new programs—they are renewals. And they fund community initiatives already in place in cities and towns across the country that provide assistance to those in need. Under Shelter Plus and SHP, states are awarded grants for services such as subsidized housing for the homeless, many of whom are physically or mentally ill or disabled, or who suffer from substance abuse problems, as well as job training, shelters, health care, child care, and other services for this population. Some of the victims that are helped are children, low-income families, single mothers, and battered spouses. Many are also veterans.

I have witnessed first-hand the dislocation that can be caused by non-renewal. In January of last year, HUD issued homeless grant assistance announcements to most states but denied applications submitted by the Maine State Housing Authority and by the city of Portland, Maine leaving the state one of only four not to receive any funds. We were alarmed to learn that this would mean that many homeless agencies and programs could lose

funding altogether, and that in fact, over 70 homeless people with mental illnesses or substance abuse problems would lose housing subsidies.

The Maine congressional delegation immediately protested the decision to HUD Secretary Andrew M. Cuomo. HUD officials ultimately restored about $1 million in funding to the city of Portland, a portion of the city's request, but refused to restore any State homeless funding.

In 1998, Maine homeless assistance providers received about $3.5 million for HUD, and the State had simply requested $1.2 million for renewals and $1.27 million to meet additional needs in 1999. What did they get to meet these needs—nothing. In spite of the proven track record of homeless programs in Maine, including praise by Secretary Cuomo during an August 1998 visit to Maine, HUD completely zeroed out funding for Maine. Not a penny for these disadvantaged children, battered women, single mothers, disabled individuals, and veterans who sacrificed to preserve the freedoms we cherish.

This could happen anywhere, but it shouldn't. This is why I have also cosponsored legislation authored by my colleague from Maine, Senator COLLINS, to guarantee minimum funding for every state and assure a fairer, more equitable allocation of funding in the future. The legislation requires HUD to provide a minimum of 0.5 percent of funding to each state under title IV of the Stewart B. McKinney Homeless Assistance Act.

Without this assistance, basic subsidized housing and shelter programs suffer, and it is more difficult for states to provide job training, health care, child care, and other vital services to the victims of homelessness.

In 1988, 14,653 people were temporarily housed in Maine's emergency homeless shelters. Alarmingly, young people account for 30 percent of the population staying in Maine's shelters, which is approximately 135 homeless young people every night. Twenty-one percent of these young people are between 5–12 with the average age being 13.

It is vitally important that changes be made to our homeless policy to ensure that no state falls through the cracks in the future. As such, I urge my colleagues to join me in a strong show of support for the legislation I am proposing today. I hope this legislation will contribute to the dialogue under way as to how best to enhance federal homeless assistance initiatives, so that programs around the country can continue to provide vital services to the less fortunate among us.

Lastly, Mr. President, I would be remiss if I did not express my gratitude to Senator BOND, who chairs the Senate VA–HUD Subcommittee for his leadership and his support when HUD zeroed out funding for Maine's homeless programs. I am very grateful for his vision and leadership on issues of importance to homeless advocates nationwide. To that end, I am pleased that the Senate version of the fiscal year 2001 Agriculture Department appropriations report contains language expressing concern about the HUD policies that resulted in a number of local homeless assistance initiatives going unfunded in recent years, and urging HUD to ensure that expiring rental contracts are renewed. HUD is also directed to submit a report to Congress explaining why projects with expiring grants were rejected during the 1999 round.

I look forward to working with the Senate VA–HUD Appropriations Subcommittee as well as the Banking Committee as this year's legislative and appropriations process continues, and as we endeavor to craft a long-term solution to the homeless problem that is fiscally and socially responsible and improves the effectiveness of federal homeless programs for the future.

Once again, I applaud the leadership of the Senate VA–HUD and Banking panels on this important issue, and I am confident in their commitment to further improvements in the program.●

By Ms. COLLINS:

S. 2605. A bill to amend the Internal Revenue Code of 1986 to expand income averaging to include the trade or business of fishing and to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

TAX LEGISLATION FOR COMMERCIAL FISHERMEN

Ms. COLLINS. Mr. President, I rise today to introduce legislation designed to help commercial fishermen navigate the often choppy waters of the Internal Revenue Code.

The legislation I am introducing would make two commonsense changes to our tax laws. First, my legislation would extend a $1,500 tax credit to commercial fishermen to assist them in the purchase of important safety equipment.

Commercial fishermen engage in one of the most dangerous professions in America. They have a higher fatality rate than even firefighters, police officers, truck or taxi drivers. From 1994 to 1998, 396 commercial fishermen lost their lives while fishing. Last year, in the wake of catastrophic events that killed 11 fishermen over the course of only 1 month, the Coast Guard Fishing Vessel Casualty Task Force was convened. The task force issued a report that draws several conclusions about current fishing vessel safety. Despite the grim safety statistics surrounding the profession of fishing, the report concludes that most fishing deaths are preventable. One significant way to prevent these tragic deaths is to make safety equipment on commercial fishing vessels more widely available.

As those of us who represent States with commercial fishing industries may recall, in 1988, Congress passed the Commercial Fishing Industry Vessel Safety Act. This act required lifesaving and firefighting equipment to be placed on board all fishing boats. Unfortunately, the cost of some of the safety equipment has proven to be a serious practical impediment for many commercial fishermen. The margin of profit for some commercial fishermen is simply too narrow and they simply lack the funds required to purchase the expensive safety equipment they require.

Moreover, as the fishing industry has come under increasingly heavy Federal regulation, fishermen have often felt compelled to greatly increase their productivity on those days when they are permitted to fish. As a result, too many take dangerous risks in order to earn a living.

Just this last January, in my home State of Maine, a terrible and tragic incident highlighted the critical importance of safety equipment. Two very experienced fishermen tragically drowned off Cape Neddick when their commercial fishing vessel capsized during a storm. The sole survivor of this tragedy was the fisherman who was able to correctly put on an immersion suit, a safety suit that the Coast Guard has required on cold water commercial fishing boats since the early 1990s.

In fact, immersion suits, liferafts, and emergency locater devices have been credited with saving more than 200 lives since 1993. By providing a $1,500 tax credit for fishermen to purchase safety equipment, my legislation would encourage the wider availability and use of safety equipment on our Nation's commercial fishing boats. We should take this sensible step to help ensure that fishermen do not set off without essential safety gear.

The second provision of my bill would eliminate some of the perils that the Tax Code has that particularly affect commercial fishermen. I propose to allow fishermen to use income-averaging tax provisions that are now available to our Nation's farmers. For tax purposes, income averaging allows individuals to carry back income from a boom year to a prior less prosperous year. This tax treatment assists individuals who must adapt to wide fluctuations in their income from year to year by preventing them from being pushed into higher tax brackets in random good years.

Until 1986, both farmers and fishermen were covered under the Tax Code's income-averaging provisions. However, income averaging disappeared as part of the tax restructuring undertaken in 1986. In 1997, income-averaging provisions were again reintroduced into our Tax Code, but unfortunately, under the changes in the 1997 law, only farmers were permitted to benefit from this tax relief. The Tax and Trade Relief Extension Act of 1998 permanently extended this tax relief provision, but again only for our farmers.

Although I am very pleased that Congress has restored income averaging for our Nation's farmers, I do not believe our fishermen should be left out in the

cold and excluded from using income averaging. The legislation that I introduce today would restore fairness by extending income averaging to our fishermen as well as our farmers.

Parallel tax treatment for fishermen and farmers is appropriate for many reasons. Currently, unlike farmers, fishermen's sole tax protection to handle fluctuations in income are found in the Tax Code's net operating loss provisions. These provisions do not provide the tax benefits of income averaging and are so complex in their computation that it often defies the ability of any individual without a CPA after his or her name.

Most importantly, both farm and fishing income can fluctuate widely from year to year due to a wide range of uncontrollable circumstances, including market prices, the weather and, in the case of fishing, Government restrictions.

I urge my colleagues to help our fishermen cope with the fluctuations in their income by restoring this important tax provision and by extending a safety tax credit to help protect them from the hazards that their fishing profession entails.

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. BRYAN, Mr. BREAUX, Mr. INOUYE, Mr. FEINGOLD, Mr. EDWARDS, Mr. KERREY, Mr. CLELAND, Mr. DURBIN, and Mr. BYRD):

S. 2606. A bill to protect the privacy of American consumers; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PRIVACY PROTECTION ACT

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation to address one of the most pressing problems facing American consumers today—the constant assault on citizens' privacy by the denizens of the private marketplace. This legislation, the Consumer Privacy Protection Act of 2000, represents an attempt to provide basic, widespread, and warranted privacy protections to consumers in both the online and offline marketplace. On the Internet, our bill sets forth a regulatory regime to ensure pro-consumer privacy protections, coupling a strong federal standard with preemption of inconsistent state laws on Internet privacy. We need a strong federal standard to protect consumer privacy online, and we need preemption to ensure business certainty in the marketplace, given the numerous state privacy initiatives that are currently pending. Off the Internet, this bill extends privacy protections that are already on the books to similarly regulated industries or business practices, and requires a broad examination of privacy practices in the traditional marketplace to help Congress better understand whether further regulation is appropriate.

The introduction of this legislation comes as the Federal Trade Commission releases its eagerly awaited report on Internet Privacy. Released yesterday, that report concludes that Internet industry self-regulation efforts have failed to protect adequately consumer privacy. Accordingly, the report calls for legislation that requires commercial web sites to comply with the ''four widely accepted fair information practices'' of notice, consent, access, and security. The legislation that we introduce today accomplishes just that.

On the Internet, many users unfortunately are unaware of the significant amount of information they are surrendering every time they visit a web site. For many others, the fear of a loss of personal privacy on the Internet represents the last hurdle impeding their full embrace of this exciting and promising new medium. Nonetheless, millions of Americans every day utilize the Internet and put their personal information at risk. As the Washington Post reported on May 17, 2000:

> The numbers tell the story. About 44.4 million households will be online by the end of this year . . . up from 12.7 million in 1995, an increase of nearly 250 percent over five years. Roughly 55 million Americans log into the Internet on a typical day. . . . Industry experts estimate that the amount of Internet traffic doubles every 100 days. . . . These changes are not without a price. Along with wired life comes growing concern about intrusions into privacy and the ability to protect identities online.

As Internet use proliferates, there needs to be some regulation and enforcement to ensure pro-consumer privacy policies, particularly where the collection, consolidation, and dissemination of private, personal information is so readily achievable in this digital age. Indeed, advances in technology have provided information gatherers the tools to seamlessly compile and enhance highly detailed personal histories of Internet users. Despite these indisputable facts, industry has to this point nearly unanimously opposed even a basic regulatory framework that would ensure the protection of consumer privacy on the Internet—a basic framework that has been successfully adopted in other areas of our economy.

Our bill gives customers, not companies, control over their personal information on the Internet. It accomplishes this goal by establishing in law the five basic tenets of the long-established fair information practices standards—notice, consent, access, security, and enforcement. The premise of these standards is simple:

(1) Consumers should be given notice of companies' information practices and what they intend to do with people's personal information.

(2) Consumers should be given the opportunity to consent, or not to consent, to those information practices.

(3) Consumers should be given the right to access whatever information has been collected about them and to correct that information where necessary.

(4) Companies should be required to establish reasonable procedures to ensure that consumers' personal information is kept secure.

(5) A viable enforcement mechanism must be established to safeguard consumers' privacy rights.

While the Internet industry argues that the need for these protections are premature, the threat to personal privacy posed by advances in technology was anticipated twenty three years ago by the Privacy Protection Study Commission, which was created pursuant to the Privacy Act of 1974. In 1977, that Commission reported to the Congress and the federal government on the issue of privacy and technology. The Commission's portrait of the world in 1977 might well still be used today. That report found that society is increasingly dependant on ''computer based record keeping systems,'' which result in a ''rapidly changing world in which insufficient attention is being paid—by policy makers, system designers, or system users—to the privacy protection implications of these trends.'' The report went on to state that even where some privacy protections exist under the law, ''there is the danger that personal privacy will be further eroded due to applications of new technology. Policy makers must not be complacent about this potential. The economic and social costs of incorporating privacy protection safeguards into a record-keeping systems are always greater when it is done retroactively than when it is done at the system's inception.''

Today, twenty three years later, as we enter what America Online chairman Steve Case calls the ''Internet Century,'' the words of the Privacy Commission could not be more appropriate. Poll after poll indicates that Americans fear that their privacy is not being sufficiently protected on the Internet. Last September, the Wall St. Journal reported that Americans' number one concern (measured at 29 percent as we enter the 21st century was a fear of a loss of personal privacy. Just two months ago, Business Week reported that 57 percent of Americans believe that Congress should pass laws to govern how personal information is collected and used on the Internet. Moreover, a recent survey by the Federal Trade Commission found that 87 percent of respondents are concerned about threats to their privacy in relation to their online usage. And, while industry claims that self-regulation is working, only 15 percent of those polled by Business Week believed that the Government should defer to voluntary, industry-developed privacy standards.

Are these fears significant enough to require federal action? Absolutely, particularly in light of predictions by people such as John Chambers, the CEO of CISCO Systems, who forecasts that one quarter of all global commerce will be conducted online by 2010. As the Privacy Commission stated a quarter of a century ago, the ''economic and social costs'' of mandating pro-privacy protections will be far lower now than when the Internet is handling twenty

five percent of all global commerce. Besides if John Chambers is right, the Internet industry should embrace, rather than resist, strong privacy policies. Simply put, strong privacy policies represent good business. For example, a study conducted by Forrester Research in September 1999 revealed that e-commerce spending was deprived of $2.8 billion in possible revenue last year because of consumer fears over privacy.

Indeed, the fears and concerns reflected in these analyses are borne out in study after study on the privacy practices—or lack thereof—of the companies operating on the Internet. Last year, an industry commissioned study found that of the top 100 web sites, while 99 collect information about Internet users, only 22 comply with all four of the core privacy principles of notice, choice, access, and security. A broader industry funded survey reports that only 10 percent of the top 350 Web sites implement all four of these privacy principles. This week, our Committee will hold a hearing to receive the report of the Federal Trade Commission on its most recent analysis of the privacy policies of the Internet industry. While the industry will claim that they have made tremendous progress in their self-regulatory efforts, the FTC apparently, is not convinced—finding in its report release yesterday that ''only 20% of the busiest sites on the World Wide Web implement to some extent all four fair information practices in their privacy disclosures. Even when only Notice and Choice are considered, fewer than half of the sites surveyed (41%) meet the relevant standards.'' This record indicates that we should begin to consider passing pro-consumer privacy legislation this year. The public is clamoring for it, the studies justify it, and the potential harm from inaction is simply too great.

It is worth noting that advocates of self-regulation often claim that the collection and use of consumer information actually enhances the consumer experience on the Internet. While there may be some truth to that claim, many Internet users do not want companies to target them with marketing based on their personal shopping habits. Those individuals should be given control over whether and how their personal information is used via an ''opt-in'' mechanism. Moreover, even those consumers who targeted marketing and want to ''opt-in'' to those practices, may not be willing to accept what happens to their information after it is used for this allegedly benign purpose.

For example, should it be acceptable business behavior to sell, rent, share, or loan a historical record of a customers tobacco purchasing habits to an insurance company. Should an Internet user's surfing habits—including frequent visits to AIDS or diabetes, or other sensitive health-related websites be revealed to prospective employers willing to pay a fee for such information? Should online surfing habits that identify consumer shopping activities be merged with offline database information already existing on a consumer to form a highly detailed, intricate portrait of that individual? The answer to these questions most assuredly is no. And yet right now, there is no law, or regulation, that would prohibit these objectionable practices.

We are already seeing evidence of these practices in the marketplace today. For example, on February 2, 2000, the New York Times reported on a study by the California HealthCare Foundation that concluded that ''19 of the top 21 health sites had privacy policies but . . . most failed to live up to promises not to share information with third parties. . . . [N]one of the sites followed guidelines recommended by the Federal Trade Commission on collection and use of personal data.'' Despite these reports, industry continues to insist that government wait and see, and let self-regulation and the marketplace protect against these articulable harms. We say that is like letting the fox guard the henhouse.

At the same time, we must not ignore those members of the industry who at least place some importance on protecting consumer privacy on the Internet. For example, in contrast to most Internet and online service providers, American Online does not track its millions of users when they venture on the Internet and out of AOL's proprietary network. In addition, IBM—while opposing federal legislation—refuses to advertise on Internet sites that do not possess and post a clear privacy policy. These are the types of practices that government welcomes. Unfortunately, they are far and few between.

As a result, the time has come to permit consumers to decide for themselves whether, and to what extent, they desire to permit commercial entities access to their personal information. Industry will argue that this is an aggressive approach. They will assert that at most, Congress should give customers the right to ''opt-in'' only with respect to those information practices deemed to be ''sensitive''—such as the gathering of information regarding health, financial, ethnic, religious, or other particularly private areas. The problem with this suggestion is that it leaves it up to Congress and industry lawyers and lobbyists to define what is in fact ''sensitive'' for individual consumers.

A better approach is to give consumers an ''opt-in'' right to control access to all personally identifiable information that might be collected online. This approach allows consumers to make their own, personal, and subjective determination as to what they do or don't want known about them by the companies with which they interact. If industry is right that most people want targeted advertising, then most people will opt-in. Indeed, Alta Vista, a commonly used search portal on the Internet, employs an ''opt-in'' approach.

As if this evidence were not enough, we only need to look to the February 24, 2000, article in TheStreet.Com entitled, ''DoubleClick Exec Says Privacy Legislation Needn't Crimp Results.'' In that article, a leading Internet executive from DoubleClick, the Internet's most well known banner advertiser, states that his company would not ''face an insurmountable problem'' in attempting to operate under strict privacy rules. Complying with such rules is ''not rocket science,'' the executive stated, ''it's execution.'' He went on to state that his company could continue to be successful under an ''opt-in'' regulatory regime. This is a phenomenal admission that ''opt-in'' policies would not impede the basic functionality and commercial activity on the Internet. The admission is particularly stunning given that it comes from a company whose business model is to track consumer activities on the Internet so as to target them with specific advertising.

Moreover, evidence in the marketplace demonstrates that ''opt-out'' policies will not always lead to full informed consumer choice. First of all, ''opt-out'' policies place the burden on the consumer to take certain steps to protect the privacy of their personal information. Under an ''opt-out'' approach, the incentive exists for industry to develop privacy policies that discourage people from opting out. The policies will be longer, harder to read, and the actual ''opt-out'' option will often be buried under hundreds, if not thousands of words of text. Consider the recent article in USA Today on this very issue. Entitled, ''Privacy isn't Public Knowledge,'' this May 1, 2000, article outlines the difficulty consumers have in opting out of the information collection practices of Internet companies. While consumers may be informed if they actually locate and read the company's privacy policy that they are likely to be ''tracked by name . . . only with [their] 'permission,'" they may not be informed up front that it is assumed that they have granted such permission unless they ''opt-out.'' Moreover, to get through the hundreds of words of required reading to find the ''opt-out'' option, it turns out, according to this article, that you need a graduate level or college education reading ability to simply comprehend the policies in the first place. According to FTC Chairman Robert Pitofsky, ''Some sites bury your rights in a long page of legal jargon so it's hard to find them hard to understand them once you find them. Self-regulation that creates opt-out rights that cannot be found [or] understood is really not an acceptable form of consumer protection.'' One thing is clear from this article—''self-regulation'' is not working.

We know, however, that some companies do not collect personal information on the Internet. For example,

some banner advertisers target their messages and ads to computers but not to people individually. They do this by tracking the Internet activity of a particular Internet Protocol address, without ever knowing who exactly is behind that address. Thus, they can never share personal information about a consumer's preferences, shopping, or research habits online, because they don't know who that consumer is. According to the chief technology officer of Engage—a prominent banner advertiser—''We don't need to know who someone is to make the [online] experience relevant. We're trying to strike this balance between the consumer's need for privacy and the marketer's need to be effective in order to sustain a free Internet.'' Such a business practice is an example of marketplace forces providing better privacy protection and my legislation recognizes that. Accordingly, if companies are only collecting and using non-personal information online they could comply with this bill by providing consumers with an ''opt-out,'' rather than an opt-in option.

Under this legislation, companies would be required to provide updates to consumers notifying them of changes to their privacy policies. Companies would also be prohibited from using information that had been collected under a prior privacy policy, if such use did not comport with that prior policy and if the consumer had not granted consent to the new practices.

In addition, the bill would provide permanence to a consumer's decision to grant or withhold consent, and allow the effect of that decision to be altered only by the consumer. Consequently, companies would not be permitted to let their customer's privacy preferences expire, thereby requiring consumers to reaffirm their prior communication as to how they want their personal information handled.

Unfortunately, many privacy violations are often unknown by the very consumers whose privacy has been violated. Therefore, the legislation would provide whistleblower protection to employees of companies who come forward with evidence of privacy violations.

In order to enforce these consumer protections, our bill would call upon the Federal Trade Commission to implement and enforce the provisions of the legislation applicable to the Internet. The FTC is the sole federal agency with substantial expertise in this area. Not only has the FTC conducted extensive studies on Internet privacy and profiling on the Internet in recent years, but it recently concluded a comprehensive rulemaking to implement the fair information practice of notice, consent, access, and security, as required by the Childrens Online Privacy Protection Act (COPPA), which we enacted in 1998.

In addition, the legislation provides the attorneys general with the ability to enforce the bill on behalf of constituents in their individual states. And, while the legislation would preempt inconsistent state law, citizens would be free to avail themselves of other applicable remedies such as fraud, contractual breach, unjust enrichment, or emotional distress. Finally, the bill would permit individual consumers to bring a private right of action to enjoin Internet privacy violations.

While rules are clearly needed to protect consumer privacy on the Internet, we recognize that information is collected and shared in the traditional marketplace as well. The rate of collection, however, and the intrusiveness of the monitoring is nowhere near as significant as it is online. For example, when a consumer shops in a store in a mall and browses through items without purchasing anything, no one makes a list of his or her every move. To the contrary, on the Internet, every browse, observation, and individual click of the mouse may be surreptitiously monitored. Notwithstanding this distinction, it may be appropriate at some time to develop privacy protections for the general marketplace, in addition to those set forth in this bill for the Internet. That is why our bill asks the FTC to conduct an exhaustive study of privacy issues in the general marketplace and report to the Congress as to what rules and regulations, if any, may be necessary to protect consumers.

We are also learning that employers are increasingly monitoring their employees—both in and out of the workplace—on the phone, on the computer, and in their daily activities on the job. While employees may be justified in taking steps to ensure that their workers are productive and efficient, such monitoring raises implications for those workers' privacy. Accordingly, this legislation directs the Department of Labor to conduct a study of privacy issues in the workplace, and report to Congress as to what—if any—regulations may be necessary to protect worker privacy.

Additionally, the legislation extends some existing privacy protections that we already know are working in the offline marketplace. For example, the bill would extend the privacy protections consumers enjoy while shopping in video stores to book and record stores, as well as to the digital delivery of those products. The bill would also extend the privacy protections we put forth in the Cable Act of 1984 to customers who subscribe to multichannel video programming services via satellite. And, the legislation would codify the Federal Communications Commission's CPNI rules, to provide privacy protection to telephone customers. The bill would also ask the Federal Communications Commission to harmonize existing privacy rules that apply to disparate communications technologies so that the personal privacy of subscribers to all communications services are protected equally. Finally, the legislation would clarify that personal information could not be deemed an asset if the company holding that information avails itself of the protection of our bankruptcy laws.

The development of a strong and comprehensive privacy regime must also address the security of Internet-connected computers. This month, the world was bitten by the ''love bug,'' a computer virus that devastated computer systems in more than 20 countries and caused an estimated $10 billion in damages. One of the features of the ''love bug'' was an attempt to steal passwords stored on an infected hard drive for later use. If successful, the virus-writer could have gained access to thousands of Internet access accounts. The spread of the virus highlighted the vulnerability of interconnected computer systems to malicious persons intent on disrupting or compromising legitimate use of these systems.

The development of technology, policies, and expertise to effectively protect a computer system from illegitimate users is a cornerstone of privacy protection because a privacy policy is worthless if the company cannot adequately secure that information and control its dissemination. While it would be impossible for the Federal government to protect every web site from every threat, it can help users and operators of web sites by researching and developing better computer security technologies and practices. Therefore, I have included a title on computer security in this bill.

This title of the bill is an attempt to promote and enhance the protection of computers connected to the Internet. First, the bill would establish a 25-member computer security partnership council. This council would build on the public-private partnership proposed in the wake of February's denial of service attacks which shut down leading e-commerce sites like Yahoo! and E-bay. The council would identify threats and help companies share solutions. It would be a major source of public information on computer security and could help educate the general public and businesses on good computer protection practices. In addition, our bill calls on the Council to identify areas in which we have not invested adequately in computer security research. This study could be a blueprint for future research investments.

While the private sector has put significant resources into computer security research, the President's Information Technology Advisory Council has noted that current information technology research is often focused on the short-term and neglects long-term fundamental problems. This bill would authorize appropriations for the National Institute of Standards and Technology to invest in long-term computer security research needs. This research would complement private sector, market-driven research and could be conducted at NIST or through grants to

academic or private-sector researchers. The results of these investigations could power the next generation of advanced computer security technologies.

Of course those technologies will not protect government, or companies and their customers, unless there are well-trained professionals to operate and secure computer systems. The problem is particularly acute for the Federal government. According to a May 10th Washington Post article, the Federal government will need to replace or hire more than 35,000 high-tech workers by the year 2006. The last time I checked, the same people who could fill those government positions are in high demand from Silicon Valley and the Dulles Corridor companies, among other. Until the government is able to offer stock options, we will continue to struggle to fill these positions. Our bill would establish an ROTC-like program to train computer security professionals for government service. In exchange for loans or grants to complete an undergraduate or graduate degree in computer security, a student would be required to work for the government for a certain number of years. This would allow students to get high-quality computer security training, to serve as a Federal employee for a short time, and then, if they desire, to enter the private sector job market.

This legislation would also push the government to get its house in order and become an example for good computer security practices. It proposes increased scrutiny of government security practices and would establish an Award for Quality of Government Security Practices to recognize agencies and departments which have excellent policies and processes to protect their computer systems. The criteria for this award will be published by the National Institute of Standards and Technology (NIST) and should encourage government to improve security on its systems. In addition, these criteria could become a model for computer security professionals inside and outside the government.

Finally, the bill would tie research and theory to meaningful, on-the-ground protections for Internet users. The bill calls on NIST to encourage and support the development of software standards that would allow users to set up an individual privacy regime at the outset and have those preferences follow them—without further intervention—as they surf the web.

This bill asks a lot of private companies in protecting the personally-identifiable information of American citizens. It would be wrong for the Congress not to apply the same standard to itself as well. Title IX of the bill calls for the development of Senate and House rules on protecting the privacy of information obtained through official web sites.

Mr. President, I ask unanimous consent that the text of the Consumer Privacy Protection Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2606

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 ''Consumer Privacy Protection Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The right to privacy is a personal and fundamental right worthy of protection through appropriate legislation.

(2) Consumers engaging in and interacting with companies engaged in interstate commerce have an ownership interest in their personal information, as well as a right to control how that information is collected, used, or transferred.

(3) Existing State, local, and Federal laws provide virtually no privacy protection for Internet users.

(4) Moreover, existing privacy regulation of the general, or offline, marketplace provides inadequate consumer protections in light of the significant data collection and dissemination practices employed today.

(5) The Federal government thus far has eschewed general Internet privacy laws in favor of industry self-regulation, which has led to several self-policing schemes, none of which are enforceable in any meaningful way or provide sufficient consumer protection.

(6) State governments have been reluctant to enter the field of Internet privacy regulation because use of the Internet often crosses State, or even national, boundaries.

(7) States are nonetheless interested in providing greater privacy protection to their citizens as evidenced by recent lawsuits brought against offline and online companies by State attorneys general to protect consumer privacy.

(8) Personal information flowing over the Internet requires greater privacy protection than is currently available today. Vast amounts of personal information about individual Internet users are collected on the Internet and sold or otherwise transferred to third parties.

(9) Poll after poll consistently demonstrates that individual Internet users are highly troubled over their lack of control over their personal information.

(10) Research on the Internet industry demonstrates that consumer concerns about their privacy on the Internet has a correlative negative impact on the development of e-commerce.

(11) Notwithstanding these concerns, the Internet is becoming a major part of the personal and commercial lives of millions of Americans, providing increased access to information, as well as communications and commercial opportunities.

(12) It is important to establish personal privacy rights and industry obligations now so that consumers have confidence that their personal privacy is fully protected on our Nation's telecommunications networks and on the Internet.

(13) The social and economic costs of imposing obligations on industry now will be lower than if Congress waits until the Internet becomes more prevalent in our everyday lives in coming years.

(14) Absent the recognition of these rights and the establishment of consequent industry responsibilities to safeguard those rights, consumer privacy will soon be more gravely threatened.

(15) The ease of gathering and compiling personal information on the Internet, both overtly and surreptitiously, is becoming increasingly efficient and effortless due to advances in digital communications technology which have provided information gatherers the ability to seamlessly compile highly detailed personal histories of Internet users.

(16) Consumers must have—

(A) clear and conspicuous notice that information is being collected about them;

(B) clear and conspicuous notice as to the information gatherer's intent with respect to that information;

(C) the ability to control the extent to which information is collected about them; and

(D) the right to prohibit any unauthorized use, reuse, disclosure, transfer, or sale of their information.

(17) Fair information practices include providing consumers with knowledge of any data collection clear and conspicuous notice of an entity's information practices, the ability to control whether or not those practices will be applied to them personally, access to information collected about them, and safeguards to ensure the integrity and security of that information.

(18) Recent surveys of websites conducted by the Federal Trade Commission and Georgetown University found that a small minority of websites surveyed contained a privacy policy embodying fair information practices such as notice, choice, access, and security.

(19) Americans expect that their purchases of written materials, videos, and music will remain confidential, whether they are shopping online or in the traditional workplace.

(20) Consumer privacy with respect to written materials, music, and movies should be protected vigilantly to ensure the free exercise of First Amendment rights of expression, regardless of medium.

(21) Under current law, millions of American cable customers are protected against disclosures of their personal subscriber information without notice and choice, whereas no similar protection is available to subscribers of multichannel video programming via satellite.

(22) Almost every American is a consumer of some form of communications service, be it wireless, wireline, cable, broadcast, or satellite.

(23) In light of the convergence of and emerging competition among and between wireless, wireline, satellite, broadcast, and cable companies, privacy safeguards should be applied uniformly across different communications media so as to provide consistent consumer privacy protections as well as a level competitive playing field for industry.

(24) Notwithstanding the recent focus on Internet privacy, privacy issues abound in the traditional, or offline, marketplace that merit Federal attention.

(25) The Congress would benefit from an exhaustive analysis of general marketplace privacy issues conducted by the agency with the most expertise in this area, the Federal Trade Commission.

(26) While American workers are growing increasingly concerned that their employers may be violating their privacy, many workers are unaware that their activities in the workplace may be subject to significant and potentially invasive monitoring.

(27) While employers may have a legitimate need to maintain an efficient and productive workforce, that need should not improperly impinge on employee privacy rights in the workplace.

(28) Databases containing personal information about consumers' commercial purchasing, browsing, and shopping habits, as well as their generalized product preferences, represent considerable commercial value.

(29) These databases should not be considered an asset with respect to creditors' interests if the asset holder has availed itself of the protection of State or Federal bankruptcy laws.

SEC. 3. PREEMPTION OF INCONSISTENT STATE LAW OR REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), this Act preempts any State law, regulation, or rule that is inconsistent with the provisions of this Act.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Nothing in this Act preempts—

(1) the law of torts in any State;

(2) the common law in any State; or

(3) any State law, regulation, or rule that prohibits fraud or provides a remedy for fraud.

(2) PRIVATE RIGHT-OF-ACTION.—Notwithstanding subsection (a), if a State law provides for a private right-of-action under a statute enacted to provide consumer protection, nothing in this Act precludes a person from bringing such an action under that statute, even if the statute is otherwise preempted in whole or in part under subsection (a).

SEC. 4. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—ONLINE PRIVACY

SEC. 101. COLLECTION OR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.

An Internet service provider, online service provider, or operator of a commercial website on the Internet may not collect, use, or disclose personally identifiable information about a user of that service or website except in accordance with the provisions of this title.

SEC. 102. NOTICE, CONSENT, ACCESS, AND SECURITY REQUIREMENTS.

(a) NOTICE.—An Internet service provider, online service provider, or operator of a commercial website may not collect personally identifiable information from a user of that service or website unless that provider or operator gives clear and conspicuous notice in a manner reasonably calculated to provide actual notice to any user or prospective user that personally identifiable information may be collected from that user. The notice shall disclose—

(1) the specific information that will be collected;

(2) the methods of collecting and using the information collected; and

(3) all disclosure practices of that provider or operator for personally identifiable information so collected, including whether it will be disclosed to third parties.

(b) CONSENT.—An Internet service provider, online service provider, or operator of a commercial website may not—

(1) collect personally identifiable information from a user of that service or website, or

(2) except as provided in section 107, disclose or otherwise use such information about a user of that service or website,

unless the provider or operator obtains that user's affirmative consent, in advance, to the collection and disclosure or use of that information.

(c) ACCESS.—An Internet service provider, online service provider, or operator of a commercial website shall—

(1) upon request provide reasonable access to a user to personally identifiable information that the provider or operator has collected after the effective date of this title relating to that user;

(2) provide a reasonable opportunity for a user to correct, delete, or supplement any such information maintained by that provider or operator; and

(3) make the correction or supplementary information a part of that user's personally identifiable information for all future disclosure and other use purposes.

(d) SECURITY.—An Internet service provider, online service provider, or operator of a commercial website shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personally identifiable information maintained by that provider or operator.

(e) NOTICE OF POLICY CHANGE.—Whenever an Internet service provider, online service provider, or operator of a commercial website makes a material change in its policy for the collection, use, or disclosure of personally identifiable information, it—

(1) shall notify all users of that service or website of the change in policy; and

(2) may not collect, disclose, or otherwise use any personally identifiable information in accordance with the changed policy unless the user has affirmatively consented, under subsection (b), to its collection, disclosure, or use in accordance with the changed policy.

(f) NOTICE OF PRIVACY BREACH.—

(1) IN GENERAL.—If an Internet service provider, online service provider, or operator of a commercial website commits a breach of privacy with respect to the personally identifiable information of a user, then it shall, as soon as reasonably possible, notify all users whose personally identifiable information was affected by that breach. The notice shall describe the nature of the breach and the steps taken by the provider or operator to remedy it.

(2) BREACH OF PRIVACY.—For purposes of paragraph (1), an Internet service provider, online service provider, or operator of a commercial website commits a breach of privacy with respect to personally identifiable information of a user if—

(A) it collects, discloses, or otherwise uses personally identifiable information in violation of any provision of this title; or

(B) it knows that the security, confidentiality, or integrity of personally identifiable information is compromised by any act or failure to act on the part of the provider or operator or by any function of the Internet service or online service provided, or commercial website operated, by that provider or operator that resulted in a disclosure, or possible disclosure, of that information.

(g) APPLICATION TO CERTAIN THIRD-PARTY OPERATORS.—The provisions of this section applicable to Internet service providers, online service providers, and commercial website operators apply to any third party, including an advertiser, that uses that service or website to collect information about users of that service or website.

SEC. 103. OTHER KINDS OF INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 101 and 102 (except for subsections (b), (c), and (e)(2)) that apply to personally identifiable information apply also to the collection and disclosure or other use of information about users of an Internet service, online service, or commercial website that is not personally identifiable information.

(b) CONSENT RULE.—An Internet service provider, online service provider, or operator of a commercial website may not—

(1) collect information described in subsection (a) from a user of that service or website, or

(2) except as provided in section 107, disclose or otherwise use such information about a user of that service or website,

unless the provider or operator obtains that user's consent to the collection and disclosure or other use of that information. For purposes of this subsection, the user will be deemed to have consented unless the user objects to the collection and disclosure or other use of the information.

(c) APPLICATION TO CERTAIN THIRD-PARTY OPERATORS.—The provisions of this section applicable to Internet service providers, online service providers, and commercial website operators apply to any third party, including an advertiser, that uses that service or website to collect information about users of that service or website.

SEC. 104. EXCEPTIONS.

(a) IN GENERAL.—Sections 102 and 103 do not apply to the collection, disclosure, or use by an Internet service provider, online service provider, or operator of a commercial website of information about a user of that service or website—

(1) to protect the security or integrity of the service or website; or

(2) to conduct a transaction, deliver a product or service, or complete an arrangement for which the user provided the information.

(b) DISCLOSURE TO PARENT PROTECTED.—An Internet service provider, online service provider, or operator of a commercial website may not be held liable under this title, any other Federal law, or any State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under section 1302(b)(1)(B)(iii) of the Children's Online Privacy Protection Act of 1998 to the parent of a child.

SEC. 105. PERMANENCE OF CONSENT.

The consent or denial of consent by a user of permission to an Internet service provider, online service provider, or operator of a commercial website to collect, disclose, or otherwise use any information about that user for which consent is required under this title—

(1) shall remain in effect until changed by the user;

(2) except as provided in section 102(e), shall apply to any revised, modified, new, or improved service provided by that provider or operator to that user; and

(3) except as provided in section 102(e), shall apply to the collection, disclosure, or other use of that information by any entity that is a commercial successor of that provider or operator, without regard to the legal form in which such succession was accomplished.

SEC. 106. DISCLOSURE TO LAW ENFORCEMENT AGENCY OR UNDER COURT ORDER.

(a) IN GENERAL.—Notwithstanding any other provision of this title, an Internet service provider, online service provider, operator of a commercial website, or third party that uses such a service or website to collect information about users of that service or website may disclose personally identifiable information about a user of that service or website—

(1) to a law enforcement agency in response to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with subsection (c); and

(2) in response to a court order in a civil proceeding granted upon a showing of compelling need for the information that cannot be accommodated by any other means if—

(A) the user to whom the information relates is given reasonable notice by the person seeking the information of the court proceeding at which the order is requested; and

(B) that user is afforded a reasonable opportunity to appear and contest the issuance of requested order or to narrow its scope.

(b) SAFEGUARDS AGAINST FURTHER DISCLOSURE.—A court that issues an order described in subsection (a) shall impose appropriate safeguards on the use of the information to protect against its unauthorized disclosure.

(c) COURT ORDERS.—A court order authorizing disclosure under subsection (a)(1) may issue only with prior notice to the user and only if the law enforcement agency shows that there is probable cause to believe that the user has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the Internet service provider, online service provider, or operator of the commercial website, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the provider or operator.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This title takes effect after the Federal Trade Commission completes the rulemaking procedure under section 109.

(b) APPLICATION TO PRE-EXISTING DATA.—

(1) IN GENERAL.—After the effective date of this title, and except as provided in paragraphs (2) and (3), sections 101, 102, and 103 apply to information collected before the date of enactment of this Act.

(2) COLLECTION OF BOTH KINDS OF INFORMATION.—Section 102(b)(1) and 103(b)(1) do not apply to information collected before the effective date of this title.

(3) ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.—Section 102(c) applies to personally identifiable information collected before the effective date of this title unless it is economically unfeasible for the Internet service provider, online service provider, or commercial website operator to comply with that section for the information.

SEC. 108. FTC RULEMAKING PROCEDURE REQUIRED.

The Federal Trade Commission shall initiate a rulemaking procedure within 90 days after the date of enactment of this Act to implement the provisions of this title. Notwithstanding any requirement of chapter 5 of title 5, United States Code, the Commission shall complete the rulemaking procedure not later than 270 days after it is commenced.

TITLE II—PRIVACY PROTECTION FOR CONSUMERS OF BOOKS, RECORDED MUSIC, AND VIDEOS

SEC. 201. EXTENSION OF VIDEO RENTAL PROTECTIONS TO BOOKS AND RECORDED MUSIC.

(a) IN GENERAL.—Section 2710 of title 18, United States Code, is amended by striking the section designation and all that follows through the end of subsection (b) and inserting the following:

"§ 2710. Wrongful disclosure of information about video, book, or recorded music rental, sale, or delivery

''(a) DEFINITIONS.—In this section:

''(1) The term 'book dealer' means any person engaged in the business, in or affecting interstate or foreign commerce, of renting, selling, or delivering books, magazines, or other written or printed material (regardless of the format or medium), or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

''(2) The term 'recorded music dealer' means any person, engaged in the business, in or affecting interstate or foreign commerce, of selling, renting, or delivering recorded music, regardless of the format in which or medium on which it is recorded, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

''(3) The term 'consumer' means any renter, purchaser, or user of goods or services from a video provider, book dealer, or recorded music dealer.

''(4) The term 'ordinary course of business' means only debt-collection activities, order fulfillment, request processing, and the transfer of ownership.

''(5) The term 'personally identifiable information' means information that identifies a person as having requested or obtained specific video materials or services, specific books, magazines, or other written or printed materials, or specific recorded music.

''(6) The term 'video provider' means any person engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery of recorded videos, regardless of the format in which, or medium on which they are recorded, or similar audiovisual materials, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

''(b) VIDEO, BOOK, OR RECORDED MUSIC RENTAL, SALE, OR DELIVERY.—

''(1) IN GENERAL.—A video provider, book dealer, or recorded music dealer who knowingly discloses, to any person, personally identifiable information concerning any consumer of such provider or seller, as the case may be, shall be liable to the aggrieved person for the relief provided in subsection (d).

''(2) DISCLOSURE.—A video provider, book dealer, or recorded music dealer may disclose personally identifiable information concerning any consumer—

''(A) to the consumer;

''(B) to any person with the informed, written consent of the consumer given at the time the disclosure is sought;

''(C) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (4);

''(D) to any person if the disclosure is solely of the names and addresses of consumers and if—

''(i) the video provider, book dealer, or recorded music dealer, as the case may be, has provided the consumer, in a clear and conspicuous manner, with the opportunity to prohibit such disclosure; and

''(ii) the disclosure does not identify the title, description, or subject matter of any video or other audio-visual material, books, magazines, or other printed material, or recorded music;

''(E) to any person if the disclosure is incident to the ordinary course of business of the video provider, book dealer, or recorded music dealer; or

''(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

''(i) the consumer is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

''(ii) the consumer is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

''(3) SAFEGUARDS.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

''(4) COURT ORDERS.—A court order authorizing disclosure under paragraph (2)(C) shall issue only with prior notice to the consumer and only if the law enforcement agency shows that there is probable cause to believe that a person has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the video provider, book dealer, or recorded music dealer, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an

unreasonable burden on such video provider, book dealer, or recorded music dealer, as the case may be.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsections (c) through (f) of section 2701 of title 18, United States Code, are amended by striking ''video tape service provider'' each place it appears and inserting ''video provider''.

(2) The item relating to section 2701 in the analysis for chapter 121 of title 18, United States Code, is amended to read as follows:

''2710. Wrongful disclosure of information about video, book, or recorded music rental or sales.''.

SEC. 202. EFFECTIVE DATE.

The amendments made by section 201 take effect 12 months after the date of enactment of this Act.

TITLE III—ENFORCEMENT AND REMEDIES

SEC. 301. ENFORCEMENT.

Except as provided in section 302(b) and section 2710(d) of title 18, United States Code, this Act shall be enforced by the Federal Trade Commission. Except as otherwise provided in this Act, a violation of this Act may be punished in the same manner as a violation of a regulation of the Federal Trade Commission.

SEC. 302. VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.

(a) IN GENERAL.—The violation of any provision of title I is an unfair or deceptive act or practice proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with title I of this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of title I is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under title I of this Act, any other authority conferred on it by law.

(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating title I in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that title is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that title.

(e) EFFECT ON OTHER LAWS.—

(1) PRESERVATION OF COMMISSION AUTHORITY.—Nothing contained in this title shall be construed to limit the authority of the Commission under any other provision of law.

(2) RELATION TO COMMUNICATIONS ACT.—Nothing in title I requires an operator of a website or online service to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 or 551, respectively).

SEC. 303. PRIVATE RIGHT OF ACTION.

(a) PRIVATE RIGHT OF ACTION.—A person whose personally identifiable information is collected, disclosed or used, or is likely to be disclosed or used, in violation of title I may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

(1) an action to enjoin or restrain such violation;

(2) an action to recover for actual monetary loss from such a violation, or to receive $5,000 in damages for each such violation, whichever is greater; or

(3) both such actions.

(b) WILLFUL AND KNOWING VIOLATIONS.—If the court finds that the defendant willfully or knowingly violated title I, the court may, in its discretion, increase the amount of the award available under subsection (a)(2) to $50,000.

(c) EXCEPTION.—Neither an action to enjoin or restrain a violation, nor an action to recover for loss or damage, may be brought under this section for the accidental disclosure of information if the disclosure was caused by an Act of God, network or systems failure, or other event beyond the control of the Internet service provider, online service provider, or operator of a commercial website if the provider or operator took reasonable precautions to prevent such disclosure in the event of such a failure or other event.

(d) ATTORNEYS FEES; PUNITIVE DAMAGES.—Notwithstanding subsection (a)(2), the court in an action brought under this section, may award reasonable attorneys fees and punitive damages to the prevailing party.

SEC. 304. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates title I, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with the rule;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of title I, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that rule.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 305. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—No Internet service provider, online service provider, or commercial website operator may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any Federal or State agency or to the Attorney General of the United States or of any State regarding a possible violation of any provision of title I.

(b) ENFORCEMENT.—Any employee or former employee who believes he has been

discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the close of the 2-year period beginning on the date of such discharge or discrimination. The complainant shall also file a copy of the complaint initiating such action with the appropriate Federal agency.

(c) REMEDIES.—If the district court determines that a violation of subsection (a) has occurred, it may order the Internet service provider, online service provider, or commercial website operator that committed the violation—

(1) to reinstate the employee to his former position;

(2) to pay compensatory damages; or

(3) take other appropriate actions to remedy any past discrimination.

(d) ATTORNEYS FEES; PUNITIVE DAMAGES.—Notwithstanding subsection (c)(2), the court in an action brought under this section, may award reasonable attorneys fees and punitive damages to the prevailing party.

(e) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberately causes or participates in the alleged violation; or

(2) knowingly or recklessly provides substantially false information to such an agency or the Attorney General.

(f) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code (5 U.S.C. 1221 et seq.) shall govern adjudication of protected activities under this section.

SEC. 306. NO EFFECT ON OTHER REMEDIES.

The remedies provided by this sections 303 and 304 are in addition to any other remedy available under any provision of law.

SEC. 307. FTC OFFICE OF ONLINE PRIVACY.

The Federal Trade Commission shall establish an Office of Online Privacy headed by a senior level position officer who reports directly to the Commission and its General Counsel. The Office shall study privacy issues associated with electronic commerce and the Internet, the operation of this Act and the effectiveness of the privacy protections provided by title I. The Office shall report its findings and recommendations from time to time to the Commission, and, notwithstanding any law, regulation, or executive order to the contrary, shall submit an annual report directly to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce on the status of online and Internet privacy issues, together with any recommendations for additional legislation relating to those issues.

TITLE IV—COMMUNICATIONS TECHNOLOGY PRIVACY PROTECTIONS

SEC. 401. PRIVACY PROTECTION FOR SUBSCRIBERS OF SATELLITE TELEVISION SERVICES FOR PRIVATE HOME VIEWING.

(a) IN GENERAL.—Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended to read as follows:

"SEC. 631. PRIVACY OF SUBSCRIBER INFORMATION FOR SUBSCRIBERS OF CABLE SERVICE AND SATELLITE TELEVISION SERVICE.

''(a) NOTICE TO SUBSCRIBERS REGARDING PERSONALLY IDENTIFIABLE INFORMATION.—At the time of entering into an agreement to provide any cable service, satellite home viewing service, or other service to a subscriber, and not less often than annually thereafter, a cable operator, satellite carrier, or distributor shall provide notice in the form of a separate, written statement to such subscriber that clearly and conspicuously informs the subscriber of—

''(1) the nature of personally identifiable information collected or to be collected with respect to the subscriber as a result of the provision of such service and the nature of the use of such information;

''(2) the nature, frequency, and purpose of any disclosure that may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

''(3) the period during which such information will be maintained by the cable operator, satellite carrier, or distributor;

''(4) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

''(5) the limitations provided by this section with respect to the collection and disclosure of information by the cable operator, satellite carrier, or distributor and the right of the subscriber under this section to enforce such limitations.

''(b) COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor shall not use its cable or satellite system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber.

''(2) EXCEPTION.—A cable operator, satellite carrier, or distributor may use its cable or satellite system to collect information described in paragraph (1) in order to—

''(A) obtain information necessary to render a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber; or

''(B) detect unauthorized reception of cable or satellite communications.

''(c) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor may not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or the cable operator, satellite carrier, or distributor.

''(2) EXCEPTIONS.—A cable operator, satellite carrier, or distributor may disclose information described in paragraph (1) if the disclosure is—

''(A) necessary to render, or conduct a legitimate business activity related to, a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber;

''(B) subject to paragraph (3), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or

''(C) a disclosure of the names and addresses of subscribers to any other provider of cable or satellite service or other service, if—

''(i) the cable operator, satellite carrier, or distributor has provided the subscriber the opportunity to prohibit or limit such disclosure; and

''(ii) the disclosure does not reveal, directly or indirectly—

''(I) the extent of any viewing or other use by the subscriber of a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor; or

''(II) the nature of any transaction made by the subscriber over the cable or satellite system of the cable operator, satellite carrier, or distributor.

''(3) COURT ORDERS.—A governmental entity may obtain personally identifiable information concerning a cable or satellite subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

''(A) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

''(B) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

''(d) SUBSCRIBER ACCESS TO INFORMATION.—A cable or satellite subscriber shall be provided access to all personally identifiable information regarding that subscriber that is collected and maintained by a cable operator, satellite carrier, or distributor. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator, satellite carrier, or distributor. A cable or satellite subscriber shall be provided reasonable opportunity to correct any error in such information.

''(e) DESTRUCTION OF INFORMATION.—A cable operator, satellite carrier, or distributor shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

''(f) RELIEF.—

''(1) IN GENERAL.—Any person aggrieved by any act of a cable operator, satellite carrier, or distributor in violation of this section may bring a civil action in a district court of the United States.

''(2) DAMAGES AND COSTS.—In any action brought under paragraph (1), the court may award a prevailing plaintiff—

''(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is greater;

''(B) punitive damages; and

''(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

''(3) NO EFFECT ON OTHER REMEDIES.—The remedy provided by this subsection shall be in addition to any other remedy available under any provision of law to a cable or satellite subscriber.

''(g) DEFINITIONS.—In this section:

''(1) DISTRIBUTOR.—The term 'distributor' means an entity that contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers for private home viewing or indirectly through other program distribution entities.

''(2) CABLE OPERATOR.—

''(A) IN GENERAL.—The term 'cable operator' has the meaning given that term in section 602.

''(B) INCLUSION.—The term includes any person who—

''(i) is owned or controlled by, or under common ownership or control with, a cable operator; and

''(ii) provides any wire or radio communications service.

''(3) OTHER SERVICE.—The term 'other service' includes any wire, electronic, or radio communications service provided using any of the facilities of a cable operator, satellite carrier, or distributor that are used in the provision of cable service or satellite home viewing service.

''(4) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' does not include any record of aggregate data that does not identify particular persons.

''(5) SATELLITE CARRIER.—The term 'satellite carrier' means an entity that uses the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations, to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under the Communications Act of 1934, other than for private home viewing.''.

(b) NOTICE WITH RESPECT TO CERTAIN AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor who has entered into agreements referred to in section 631(a) of the Communications Act of 1934, as amended by subsection (a), before the date of enactment of this Act, shall provide any notice required under that section, as so amended, to subscribers under such agreements not later than 180 days after that date.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any agreement under which a cable operator, satellite carrier, or distributor was providing notice under section 631(a) of the Communications Act of 1934, as in effect on the day before the date of enactment of this Act, as of such date.

SEC. 402. CUSTOMER PROPRIETARY NETWORK INFORMATION.

Section 222 (c)(1) of the Communications Act of 1934 (47 U.S.C. 222 (c)(1)) is amended by striking ''approval'' and inserting ''express prior authorization''.

TITLE V—RULEMAKING AND STUDIES

SEC. 501. FEDERAL TRADE COMMISSION EXAMINATION.

(a) PROCEEDING REQUIRED.—The Federal Trade Commission shall—

(1) study consumer privacy issues in the traditional, offline marketplace, including whether—

(A) consumers are able, and, if not, the methods by which consumers may be enabled—

(i) to have knowledge that consumer information is being collected about them through their utilization of various offline services and systems;

(ii) to have clear and conspicuous notice that such information could be used, or is intended to be used, by the entity collecting the data for reasons unrelated to the original communications, or that such information could be sold, rented, shared, or otherwise disclosed (or is intended to be sold rented, shared, or otherwise disclosed) to other companies or entities; and

(iii) to stop the reuse, disclosure, or sale of that information;

(B) in the case of consumers who are children, the abilities described in clauses (i), (ii), and (iii) of subparagraph (A) are or can be exercised by their parents; and

(C) changes in the Commission's regulations could provide greater assurance of the offline privacy rights and remedies of parents and consumers generally;

(2) review responses and suggestions from affected commercial and nonprofit entities to changes proposed under paragraph (1)(C); and

(3) make recommendations to the Congress for any legislative changes necessary to ensure such rights and remedies.

(b) SCHEDULE FOR FEDERAL TRADE COMMISSION RESPONSES.—The Federal Trade Commission shall, within 6 months after the date of enactment of this Act, submit to Congress a report containing the recommendations required by subsection (a)(3).

SEC. 502. FEDERAL COMMUNICATIONS COMMISSION RULEMAKING.

(a) PROCEEDING REQUIRED.—The Federal Communications Commission shall initiate a rulemaking proceeding to establish uniform consumer privacy rules for all communications providers. The rulemaking proceeding shall—

(1) examine the privacy rights and remedies of the consumers of all online and offline technologies, including telecommunications providers, cable, broadcast, satellite, wireless, and telephony services;

(2) determine whether consumers are able, and, if not, the methods by which consumers may be enabled to exercise such rights and remedies; and

(3) change the Commission's regulations to coordinate, rationalize, and harmonize laws and regulations administered by the Commission that relate to those rights and remedies.

(b) DEADLINE FOR CHANGES.—The Federal Communications Commission shall complete the rulemaking within 6 months after the date of enactment of this Act.

SEC. 503. DEPARTMENT OF LABOR STUDY OF EMPLOYEE-MONITORING ACTIVITIES.

The Secretary of Labor shall study the extent and nature of employer practices that involving monitoring employee activities both at the workplace and away from the workplace, by electronic or other remote means, including surveillance of electronic mail and Internet use, to determine whether and to what extent such practices constitute an inappropriate violation of employee privacy. The Secretary shall report the results of the study, including findings and recommendations, if any, for legislation or regulation to the Congress within 6 months after the date of enactment of this Act.

TITLE VI—PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION IN BANKRUPTCY

SEC. 601. PERSONALLY IDENTIFIABLE INFORMATION NOT ASSET IN BANKRUPTCY.

Section 541(b) of title 11, United States Code, is amended—

(1) by striking ''or'' after the semicolon in paragraph (4)(B)(ii);

(2) by striking ''prohibition.'' in paragraph (5) and inserting ''prohibition; or''; and

(3) by inserting after paragraph (5) the following:

''(6) any personally identifiable information (as defined in section 901(6) of the Consumer Privacy Protection Act), or any compilation, or record (in electronic or any other form) of such information.''.

TITLE VII—INTERNET SECURITY INITIATIVES

SEC. 701. FINDINGS.

The Congress finds the following:

(1) Good computer security practices are an underpinning of any privacy protection. The operator of a computer system should protect that system from unauthorized use and secure any private, personal information.

(2) The Federal Government should be a role model in securing its computer systems and should ensure the protection of private, personal information controlled by Federal agencies.

(3) The National Institute of Standards and Technology has the responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of private, personal information in Federal computer systems.

(4) This Nation faces a shortage of trained, qualified information technology workers, including computer security professionals. As the demand for information technology workers grows, the Federal government will have an increasingly difficult time attracting such workers into the Federal workforce.

(5) Some commercial off-the-shelf hardware and off-the-shelf software components to protect computer systems are widely available. There is still a need for long-term computer security research, particularly in the area of infrastructure protection.

(6) The Nation's information infrastructures are owned, for the most part, by the private sector, and partnerships and cooperation will be needed for the security of these infrastructures.

(7) There is little financial incentive for private companies to enhance the security of the Internet and other infrastructures as a whole. The Federal government will need to make investments in this area to address issues and concerns not addressed by the private sector.

SEC. 702. COMPUTER SECURITY PARTNERSHIP COUNCIL.

(a) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the President's Information Technology Advisory Committee established by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7231), shall establish a 25-member Computer Security Partnership Council.

(b) CHAIRMAN; MEMBERSHIP.—The Council shall have a chairman, appointed by the Secretary, and 24 additional members, appointed by the Secretary as follows:

(1) 5 members, who are not officers or employees of the United States, who are recognized as leaders in the networking and computer security business, at least 1 of whom represents a small or medium-sized company.

(2) 5 members, who are—

(A) not officers or employees of the United States, and

(B) not in the networking and computer security business,

at least 1 of whom represents a small or medium-sized company.

(3) 5 members, who are not officers or employees of the United States, who represent public interest groups or State or local governments, of whom at least 2 represent such groups and at least 2 represent such governments.

(4) 5 members, who are not officers or employees of the United States, affiliated with a college, university, or other academic, research-oriented, or public policy institution, with recognized expertise in the field of networking and computer security, whose primary source of employment is by that college, university, or other institution rather than a business organization involved in the networking and computer security business.

(5) 4 members, who are officers or employees of the United States, with recognized expertise in computer systems management, including computer and network security.

(c) FUNCTION.—The Council shall collect and share information about, and increase public awareness of, information security practices and programs, threats to information security, and responses to those threats.

(d) STUDY.—Within 12 months after the date of enactment of this Act, the Council shall publish a report which evaluates and describes areas of computer security research and development that are not adequately developed or funded.

(e) ADDITIONAL RECOMMENDATIONS.—The Council shall periodically make recommendations to appropriate government and private sector entities for enhancing the security of networked computers operated or maintained by those entities.

SEC. 703. RESEARCH AND DEVELOPMENT.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) RESEARCH AND DEVELOPMENT OF PROTECTION TECHNOLOGIES.—

''(1) IN GENERAL.—The Institute shall establish a program at the National Institute of Standards and Technology to conduct, or to fund the conduct of, research and development of technology and techniques to provide security for advanced communications and computing systems and networks including the Next Generation Internet, the underlying structure of the Internet, and networked computers.

''(2) PURPOSE.—A purpose of the program established under paragraph (1) is to address issues or problems that are not addressed by market-driven, private-sector information security research. This may include research—

''(A) to identify Internet security problems which are not adequately addressed by current security technologies;

''(B) to develop interactive tools to analyze security risks in an easy-to-understand manner;

''(C) to enhance the security and reliability of the underlying Internet infrastructure while minimizing any adverse operational impacts such as speed; and

''(D) to allow networks to become self-healing and provide for better analysis of the state of Internet and infrastructure operations and security.

''(3) MATCHING GRANTS.—A grant awarded by the Institute under the program established under paragraph (1) to a commercial enterprise may not exceed 50 percent of the cost of the project to be funded by the grant.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Institute to carry out this subsection—

''(A) $50,000,000 for fiscal year 2001;

''(B) $60,000,000 for fiscal year 2002;

''(C) $70,000,000 for fiscal year 2003;

''(D) $80,000,000 for fiscal year 2004;

''(E) $90,000,000 for fiscal year 2005; and

''(F) $100,000,000 for fiscal year 2006.''.

SEC. 704. COMPUTER SECURITY TRAINING PROGRAMS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with appropriate Federal agencies, shall establish a program to support the training of individuals in computer security, Internet security, and related fields at institutions of higher education located in the United States.

(b) SUPPORT AUTHORIZED.—Under the program established under subsection (a), the Secretary may provide scholarships, loans, and other forms of financial aid to students at institutions of higher education. The Secretary shall require a recipient of a scholarship under this program to provide a reasonable period of service as an employee of the United States government after graduation as a condition of the scholarship, and may authorize full or partial forgiveness of indebtedness for loans made under this program in exchange for periods of employment by the United States government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section—

(A) $15,000,000 for fiscal year 2001;

(B) $17,000,000 for fiscal year 2002;

(C) $20,000,000 for fiscal year 2003;

(D) $25,000,000 for fiscal year 2004;

(E) $30,000,000 for fiscal year 2005; and

(F) $35,000,000 for fiscal year 2006.

SEC. 705. GOVERNMENT INFORMATION SECURITY STANDARDS.

(a) IN GENERAL.—Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) to provide guidance and assistance to Federal agencies in the protection of interconnected computer systems and to coordinate Federal response efforts related to unauthorized access to Federal computer systems; and''.

(b) FEDERAL COMPUTER SYSTEM SECURITY TRAINING.—Section 5(b) of the Computer Security Act of 1987 (49 U.S.C. 759 note) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) to include emphasis on protecting the availability of Federal electronic citizen services and protecting sensitive information in Federal databases and Federal computer sites that are accessible through public networks.''.

SEC. 706. RECOGNITION OF QUALITY IN COMPUTER SECURITY PRACTICES.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by section 703, is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c), the following:

''(d) AWARD PROGRAM.—The Institute may establish a program for the recognition of excellence in Federal computer system security practices, including the development of a seal, symbol, mark, or logo that could be displayed on the website maintained by the operator of such a system recognized under the program. In order to be recognized under the program, the operator—

''(1) shall have implemented exemplary processes for the protection of its systems and the information stored on that system;

''(2) shall have met any standard established under subsection (a);

''(3) shall have a process in place for updating the system security procedures; and

''(4) shall meet such other criteria as the Institute may require.''.

SEC. 707. DEVELOPMENT OF AUTOMATED PRIVACY CONTROLS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by section 706, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) DEVELOPMENT OF INTERNET PRIVACY PROGRAM.—The Institute shall encourage and support the development of one or more computer programs, protocols, or other software, such as the World Wide Web Consortium's P3P program, capable of being installed on computers, or computer networks, with Internet access that would reflect the user's preferences for protecting personally-identifiable or other sensitive, privacy-related information, and automatically execute the program, once activated, without requiring user intervention.''.

TITLE VIII—CONGRESSIONAL INFORMATION SECURITY STANDARDS.

SEC. 801. EXERCISE OF RULEMAKING POWER.

This title is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to that House; and it supersedes other rules only to the extent that it are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating 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.

SEC. 802. SENATE.

(a) IN GENERAL.—The Sergeant at Arms of the United States Senate shall develop regulations setting forth an information security and electronic privacy policy governing use of the Internet by officers and employees of the Senate in accordance with the following 4 principles of privacy:

(1) NOTICE AND AWARENESS.—Websites must provide users notice of their information practices.

(2) CHOICES AND CONSENT.—Websites must offer users choices as to how personally identifiable information is used beyond the use for which the information was provided.

(3) ACCESS AND PARTICIPATION.—Websites must offer users reasonable access to personally identifiable information and an opportunity to correct inaccuracies.

(4) SECURITY AND INTEGRITY.—Websites must take reasonable steps to protect the security and integrity of personally identifiable information.

(b) PROCEDURE.—

(1) PROPOSAL.—The Sergeant at Arms shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Sergeant at Arms shall transmit such notice to the President pro tempore of the Senate for publication in the Congressional Record on the first day on which the Senate is in session following such transmittal. Such notice shall set forth the recommendations of the Sergeant at Arms for regulations under subsection (a).

(2) COMMENT.—Before adopting regulations, the Sergeant at Arms shall provide a comment period of at least 30 days after publication of general notice of proposed rulemaking.

(3) ADOPTION.—After considering comments, the Sergeant at Arms shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the President pro tempore of the Senate for publication in the Congressional Record on the first day on which the Senate is in session following such transmittal.

(c) APPROVAL OF REGULATIONS.—

(1) IN GENERAL.—The regulations adopted by the Sergeant at Arms may be approved by the Senate by resolution.

(2) REFERRAL.—Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the Senate shall refer such notice, together with a copy of such regulations, to the Committee on Rules and Administration of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved.

(3) JOINT REFERRAL AND DISCHARGE.—The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to

report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) RESOLUTION OF APPROVAL.—In the case of a resolution of the Senate, the matter after the resolving clause shall be the following: ''the following regulations issued by the Sergeant at Arms on ———— ——, 2——— are hereby approved:'' (the blank spaces being appropriately filled in and the text of the regulations being set forth).

(d) ISSUANCE AND EFFECTIVE DATE.—

(1) PUBLICATION.—After approval of the regulations under subsection (c), the Sergeant at Arms shall submit the regulations to the President pro tempore of the Senate for publication in the Congressional Record on the first day on which the Senate is in session following such transmittal.

(2) DATE OF ISSUANCE.—The date of issuance of the regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

(3) EFFECTIVE DATE.—The regulations shall become effective not less than 60 days after the regulations are issued, except that the Sergeant at Arms may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulation.

(e) AMENDMENT OF REGULATIONS.—Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Sergeant at Arms may dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5, United States Code.

(f) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the Sergeant at Arms for the issuance, amendment, or repeal of a regulation.

TITLE IX—DEFINITIONS

SEC. 901. DEFINITIONS.

In this Act:

(1) OPERATOR OF A COMMERCIAL WEBSITE.—The term ''operator of a commercial website''—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) DISCLOSE.—The term ''disclose'' means the release of personally identifiable information about a user of an Internet service, online service, or commercial website by an Internet service provider, online service provider, or operator of a commercial website for any purpose, except where such information is provided to a person who provides support for the internal operations of the service or website and who does not disclose or use that information for any other purpose.

(3) RELEASE.—The term ''release of personally identifiable information'' means the direct or indirect, active or passive, sharing, selling, renting, or other provision of personally identifiable information of a user of an Internet service, online service, or commercial website to any other person other than the user.

(4) INTERNAL OPERATIONS SUPPORT.—The term ''support for the internal operations of a service or website'' means any activity necessary to maintain the technical functionality of that service or website.

(5) COLLECT.—The term ''collect'' means the gathering of personally identifiable information about a user of an Internal service, online service, or commercial website by or on behalf of the provider or operator of that service or website by any means, direct or indirect, active or passive, including—

(A) an online request for such information by the provider or operator, regardless of how the information is transmitted to the provider or operator;

(B) the use of a chat room, message board, or other online service to gather the information; or

(C) tracking or use of any identifying code linked to a user of such a service or website, including the use of cookies.

(3) COOKIE.—The term ''cookie'' means any program, function, or device, commonly known as a ''cookie'', that makes a record on the user's computer (or other electronic device) of that user's access to an Internet service, online service, or commercial website.

(4) FEDERAL AGENCY.—The term ''Federal agency'' means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(5) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(6) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information'' means individually identifiable information about an individual collected online, including—

(A) a first and last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number;

(F) a credit card number;

(G) a birth date, birth certificate number, or place of birth;

(H) any other identifier that the Commission determines permits the physical or online contacting of a specific individual; or

(I) unique identifying information that an Internet service provider, online service provider, or operator of a commercial website collects and combines with an identifier described in this paragraph.

(7) INTERNET SERVICE PROVIDER; ONLINE SERVICE PROVIDER; WEBSITE.—The Commission shall by rule define the terms ''Internet service provider'', ''online service provider'', and ''website'', and shall revise or amend such rule to take into account changes in technology, practice, or procedure with respect to the collection of personal information over the Internet.

(8) OFFLINE.—The term ''offline'' refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that occurs other than by or through the active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

(9) ONLINE.—The term ''online'' refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that is effected by active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

Mr. EDWARDS. Mr. President, Big Browser is watching you. Almost every time, you or I or an American consumer surfs the Internet, someone is tracking our movements. And someone is compiling a databank of information about our preferences and could even be profiling us.

Maybe they're doing it to make our experience better. Most of the time, they probably are. But too often we are being profiled for profit, and at the expense of privacy.

I am proud to co-sponsor Senator HOLLINGS' legislation, the Consumer Privacy Protection Act, that would help consumers gain control of their most personal information. I believe that the measure we introduce today is a step in the right direction. It strikes the right balance. Privacy is protected, while critical elements of the information revolution are preserved. Consumer confidence in the Internet is bolstered, while businesses will not be overburdened by the requirements.

We can enjoy the convenience of online shopping and allow e-commerce to thrive without putting profits over privacy. Consumers, not dot.com companies, should control the use of confidential information about buying habits, credit card records and other personal information.

Mr. President, the time to act is now. If not, we may wake up one day to find our privacy so thoroughly eroded that recovering it will be almost impossible.

No one denies that the rapid development of modern technology has been beneficial. New and improved technologies have enabled us to obtain information more quickly and easily than ever before. Students can participate in classes that are being taught in other states, or even in other countries. Almost no product or piece of information is beyond the reach of Americans anymore. A farmer in Sampson County, North Carolina can go on the Internet and compare prices for anything he needs to run his business. Or he can look up critical weather information on the Internet. Or he can just order a hard-to-get book. Meanwhile, companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records and buying habits. They have made it profitable to do so. And in turn, our ability to keep our personal information private is being eaten away.

The impact of this erosion ranges from the merely annoying—having your mailbox flooded with junkmail—to the actually frightening—having your identity stolen or being turned down for a loan because your bank got copies of your medical records. There are thousands of ways that the loss of our privacy can impact us. Many of them are intangible—just the discomfort of knowing that complete strangers can find out everything about you: where you shop, what books you buy, whether you have allergies, and what your credit rating is. These strangers may not do anything bad with the information, but they know all about you. I think privacy is a value per se. Our founding fathers recognized it, and so too do most Americans.

''Liberty in the constitutional sense,'' wrote Justice William O. Douglas, ''must mean more than freedom from unlawful governmental restraint; it must include privacy as well, if it is to be a repository of freedom. The right to be let alone is indeed the beginning of all freedom.''

Recent surveys indicate that the American public is increasingly uneasy about the degradation of their privacy. In a recent Business Week poll, 92 percent of Internet users expressed discomfort about Web sites sharing personal information with other sites. Meanwhile, an FTC report issued yesterday indicated that only 42 percent of the most popular Internet sites comply with the four key fair information practices—notice about what data is collected, consumer choice about whether the data will be shared with third-parties, consumer access to the data, and security regarding the transmission of data.

We must be vigilant that our privacy does not become a commodity to be bought and sold.

I would also like to point out one area of privacy protection that I have been deeply interested in. Last November, I introduced the Telephone Call Privacy Act. My bill would prevent telecommunications companies from using an individual's personal phone call records without their consent. Most Americans would be stunned to learn that the law does not protect them from having their phone records sold to third parties. Imagine getting a call one night—during dinner—and having a telemarketer try to sell you membership in a travel club because your phone calling patterns show frequent calls overseas. My legislation would prevent this from occurring without the individuals's permission.

This measure we introduce today also contains a provision relating to telephone privacy. It differs in at least one key respect from the legislation I previously introduced, but my hope is that as we discuss this issue over time, the differences will be resolved.

Mr. President, let me conclude by thanking Senators HOLLINGS and LEAHY for their leadership on this vital issue. Senator HOLLINGS has crafted the comprehensive and thoughtful proposal that we introduce today. Senator LEAHY has led a coalition of Senators interested in this issue. I look forward to working with them and my other colleagues in passing this measure.

Mr. CLELAND. Mr. President, the information highway began just a few years ago as a footpath and is now an unlimited lane expressway with no rush hour. People can now use the Internet to shop at virtual stores located thousands of miles away, find turn-by-turn directions to far away destinations and journey to hamlets, cities and states across the country—and indeed around the world—without ever leaving home.

While the virtual world is available to us with a few key strokes and mouse clicks, there is one area of the Internet that many are finding troublesome. It is the collection and use of personnel data. All too often web surfers are providing personal information about themselves at the websites they visit, without their knowledge and consent. There is so much information being collected every day that it would take a building the size of the Library of Congress to store it all in. That is a lot of information, much of which is very personal and I believe it must be kept that way.

Concern about one's privacy on the Internet is keeping people from fully enjoying this marvelous technology. According to a recent survey by the Center for Democracy & Technology, consumers' most pressing privacy issues are the sale of personal information and tracking people's use of the Web. In another recent survey, 66.7 percent of online ''window shoppers'' state that assurances of privacy will be the basis for their making online purchases. These surveys make the same point that was made when credit cards were first introduced to the American public. Back then, credit cards did not initially enjoy widespread usage because of a fear that others could misuse the card. From these studies' findings it can be reasoned that the Internet is experiencing the same effects because of privacy concerns. These concerns are translating into lost opportunity, for consumers as well as electronic businesses.

Most of the Dot Com companies doing business over the Internet today are very cognizant of the fact that privacy is a major concern for their customers. Many of these firms allow visitors to their web site to ''opt out,'' or elect not to provide data they consider private and do not wish to give. A Federal Trade Commission May 2000 Report to Congress found that 92 percent of a random sampling of websites were collecting great amounts of personal information from consumers and only 14% disclosed anything about how the information would be used. More interesting in this report was the finding that a mere 41% of the randomly selected websites notified the visitor of their information practices and offered the visitor choices on how their personal identifying information would be used. These report findings seem to suggest that industry efforts by themselves are not sufficient to control the gathering and dissemination of personal data.

There are some Dot Coms that are not concerned about the privacy of their customers. These firms are successfully collecting enormous amounts of data about a person and in turn sell it to others or use it to intensify the advertising aimed at that person. At one website visit, a company can collect some very interesting facts about the person who is on the other end. While surfing the web the other day, I hit on a website that was designed to provide me with information about my PC. The report the site provided opened my eyes about the types of information that could be obtained from a website visitor in less one minute. In this small amount of time it could tell what other sites I had visited, what sites I would likely visit in the future, what plug-ins are installed on my PC, how my domain is configured and a whole lot more information that I did not understand. Many consider this type of tracking capability akin to stalking. I believe that the information that can be collected by website administrators can create problems for people through a violation of trust and an invasion of privacy. Novice Internet users are generally unaware, as I was until visiting this site, of the extent of the information being collected on them. Even those who are aware of the capabilities of firms to collect private data are frightened by what can happen with the information once it is collected.

I am proud to be cosponsoring the Consumer Privacy Protection Act of 2000 that was introduced today by Senator HOLLINGS. This Act will legitimize the practices currently being used by many reputable firms who are collecting private data. Does it seem unreasonable that firms collecting private data should notify consumers of the firm's information practices, offer the consumer choices on how the personal information will be used, allow consumers to access the information that is collected on them and require the firms to take reasonable steps to protect the security of the information that is collected? I think not. Firms like Georgia-based VerticalOne are already performing under standards very similar to these. I believe that all firms should be held to the same standard and that a level playing field should be established for every firm that is collecting data. Taking these actions will translate into greater consumer confidence in the Internet.

Increasing the level of protection for private information to a level that the people of our nation can live with should be a welcome relief to those firms already providing fair privacy treatment of their site visitors. This Act certainly will be a relief to the people who are visiting their sites.

Passing this Consumer Privacy Protection Act will help prevent confusion by establishing a common set of standards for all firms to follow and all Americans to enjoy.

By Mr. WYDEN:

S. 2607. A bill to promote pain management and palliative care without permitting assisted suicide euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PAIN RELIEF PROMOTION ACT

• Mr. WYDEN. Mr. President, today I am introducing legislation which was actually authored by Senators NICKLES and HATCH, and which they have entitled the ''Pain Relief Promotion Act.'' Their bill which I am now introducing is identical to H.R. 2260 as reported out of the Judiciary Committee on April 27, 2000, as amended. Today, it has been referred by the Senate Parliamentarian to the Committee on Health, Education, Labor, and Pensions (HELP).

While I remain steadfastly opposed to the ''Pain Relief Promotion Act of 2000,'' I am introducing this bill for one reason: to call the Senate's attention to the fact that a far-reaching health policy bill—which many experts believe has the potential to sentence millions of sick and dying patients across the nation to needless pain and suffering—was mistakenly referred to a committee with insufficient health policy resources and no health policy jurisdiction. It is that bill which the Judiciary Committee reported and which, without consideration by the committee with health expertise, the Republican leadership wants to bring to the floor. The unintended consequence of this could be the tragic decline of the quality of pain care across our nation.

Some historical context might help my colleagues and their staff better understand how the Senate finds itself in this unfortunate situation, and the important issues that are at stake. On two separate occasions, the State of Oregon passed a ballot measure that would allow terminally ill persons, with less than six months left to live, to obtain a physician-assisted suicide if they met a variety of safeguard requirements. As a private citizen, I voted twice with the minority of my state in opposition to that measure.

In response to Oregon's vote, several of our congressional colleagues, including Senator NICKLES, Senator LIEBERMAN, and Congressman HENRY HYDE, promptly undertook legislative and other efforts to overturn Oregon's law. I do not, for the purposes of today, debate the merits of the Oregon law, or the merits of physician-assisted suicide, generally.

The original ''Pain Relief Promotion Act,'' S. 1272, was introduced in the Senate by Senator NICKLES, and referred to the Committee on Health, Education, Labor and Pensions (HELP) on June 23, 1999. That committee held one inconclusive hearing on October 13, 1999, at which time it was reported that Senators on both sides of the aisle wished to investigate the matter more thoroughly before acting on the legislation.

Then, on November 19, 1999, Bob Dove, the Senate Parliamentarian, made what he termed ''a mistake'' when he referred H.R. 2260— the virtually identical House-passed version of the ''Pain Relief Promotion Act''— to the Senate Judiciary Committee. Over the course of my service in the Senate, I have come to know Mr. Dove to be a man of integrity and fairness, and one of the most dedicated and enduring public servants in Washington, D.C. When he discovered his mistake, to his great credit, Mr. Dove did something all-too-rare in this town; he simply acknowledged his error. According to an article by the Associated Press on December 7, 1999, Mr. Dove stated plainly that he had mistakenly referred the bill to the Judiciary Committee, instead of the HELP Committee.

Lord knows I've made a few mistakes in my day, so I want to make clear that I harbor nothing but respect for Mr. Dove, and that I do not for one second question Mr. Dove's motives. But the mistake made on November 19, 1999, if left uncorrected, threatens unspeakably negative and long-lasting consequences for the future of health care in this nation.

The jurisdiction of the HELP Committee over the ''Pain Relief Promotion Act'' is clear. The Senate Manual describes the jurisdiction of this committee as including ''measures relating to education, labor, health, and public welfare''. The Senate Manual also describes the HELP Committee as having jurisdiction over aging, biomedical research and development, handicapped individuals, occupational safety and health, and public health.

According to the Senate Manual, the jurisdiction of the Judiciary Committee includes bankruptcy, mutiny, espionage, counterfeiting, civil liberties, constitutional amendments, federal courts and judges, government information, holidays and celebrations, immigration and naturalization, interstate compacts generally, judicial proceedings, local courts in territories and possessions, measures relating to claims against the United States, national penitentiaries, patent office, patents, copyrights trademarks, protection of trade and commerce against unlawful restraints and monopolies, revision and codification of the statutes of the United States, and state and territorial boundary lines.

The committee jurisdiction is not a close call, in this case. As the Senate's leading expert on jurisdiction has now demonstrated, this bill is fundamentally an issue of medical practice, which clearly is within the jurisdiction of the HELP Committee.

Congress has heard conflicting messages from respected medical experts on both sides of this debate about whether the ''Pain Relief Promotion Act'' may, in fact, have a chilling effect on physicians' pain management, thus actually increasing suffering at the end of life. Under the legislation, federal, state, and local law enforcement could receive training to begin scrutinizing physicians' end-of-life care. Many believe that the legislation sends the wrong signal to physicians and others caring for those who are dying, noting the disparity between the $5 million allotted for training in palliative care and the $80 million potentially available for law enforcement activities.

In addition, there is considerable concern that this legislation puts into statute perceptions about pain medication that the scientific world has been trying to change. Physicians often believe that the aggressive use of certain pain medications, such as morphine, will hasten death. Recent scientific studies show this is not the case. Dr. Kathleen M. Foley, Attending Neurologist in the Pain and Palliative Care Service at Memorial Sloan-Kettering Cancer Center and Professor of Neurology, Neuroscience and Clinical Pharmacology at the Cornell University, had this to say about the Nickles-Hatch legislation, ''In short, the underpinnings of this legislation are not based on scientific evidence. It would be unwise to institutionalize the myth into law that pain medications hasten death.''

Renowned medical ethicist, and Director of the Center for Bioethics at the University of Pennsylvania, Arthur L. Caplan, Ph.D., also appeared before the Senate Judiciary Committee on April 25, 2000. He testified that: ''Doctors and nurses may not always fully understand what the law permits or does not, but when the issue requires an assessment of intent in an area as fraught with nuances and pitfalls as end of life care then I believe that this legislation will scare many doctors and nurses and administrators into inaction in the face of pain.''

Dr. Scott Fishman, the Chief of the Division of Pain Medicine and Associate Professor of Anesthesiology at the University of California Davis School of Medicine wrote of the Hatch substitute: ''It is ironic that the 'Hatch substitute', which seeks to prevent physician assisted suicide, will ultimately impair one of the truly effective counters to physician assisted suicide, which is swift and effective pain medicine.''

Dr. Foley, who also assisted the Institute of Medicine committee that wrote the report ''Approaching Death,'' further testified that, ''The Pain Relief Promotion Act, by expanding the authority of the Controlled Substances Act, will disturb the balance that we have worked so hard to create. Physician surveys by the New York State Department of Health have shown that a strict regulatory environment negatively impacts physician prescribing practices and leads them to intentionally undertreat patients with pain

because of concern of regulatory oversight.''

The New England Journal of Medicine editorialized against these legislative approaches to overturning Oregon's law out of concern for its impacts on pain management nationwide, saying: ''Many doctors are concerned about the scrutiny they invite when they prescribe or administer controlled substances and they are hypersensitive to 'drug-seeking behavior' in patients. Patients, as well as doctors, often have exaggerated fears of addiction and the side effects of narcotics. Congress could make this bad situation worse.''

It is worth noting that many people and organizations with expertise in pain management and palliative care are both opposed to physician assisted suicide and opposed to the Nickles-Hatch bill. There are over thirty organizations representing doctors, pharmacists, nurses, and patients who oppose the legislation, including: American Academy of Family Physicians; American Academy of Hospice and Palliative Medicine, American Academy of Pharmaceutical Physicians; American Geriatrics Society; American Nurses Association; American Pain Foundation; American Pharmaceutical Association; American Society for Action on Pain; American Society of Health-System Pharmacists; American Society of Pain Management Nurses; College on Problems of Drug Dependence; Hospice and Palliative Nurses Association; National Foundation for the Treatment of Pain; Oncology Nursing Society; Society of General Internal Medicine; Triumph over Pain Foundation; California Medical Association; Massachusetts Medical Society; North Carolina Medical Society; Oregon Medical Association; Rhode Island Medical Association; San Francisco Medical Society; Indiana State Hospice and Palliative Care Association; Hospice Federation of Massachusetts; Kansas Association of Hospices; Maine Hospice Council; Maine Consortium of Palliative Care and Hospice; Missouri Hospice and Palliative Care Association; New Hampshire State Hospice Organization; New Jersey Hospice and Palliative Care Organization; New York State Hospice Organization; and, Oregon Hospice Association.

Physician-assisted suicide is not a cry for help from people experiencing the failure of patents, copyrights and trademarks. Physician-assisted suicide is a cry for help from people who, in many cases, are experiencing a failure in the health system. And those failures occur across our nation; not just in Oregon. In one study reported in the August 12, 1998, issue of JAMA, over 15 percent of oncologists admitted to participating in physician-assisted suicide or euthanasia. The February 1997 New England Journal of Medicine published a report finding that 53 percent of physicians in a large, San Francisco-based AIDS treatment consortium admitted assisting in a suicide at least once. Personally, I am troubled and saddened that so many of our loved ones are so dissatisfied with their end-of-life options that they seek physician-assisted suicide, instead.

Whether or not this Congress decides to overturn Oregon's law, I believe it is critical that whatever we do must result in a reduced demand for physician-assisted suicide, not only in Oregon, but across our nation. Many reputable experts believe the ''Pain Relief Promotion Act'' will cause physicians—far beyond Oregon's borders—to provide less aggressive pain care to their suffering and dying patients. If this occurs, not only will millions of our elderly and dying constituents suffer needlessly, we may unwittingly increase the demand for suicide at the end of life.

I urge my colleagues, regardless of where they stand on the issue of Oregon's law, to join with me in supporting the restoration of the HELP Committee's jurisdiction. It would be unconscionable for the Senate to fail to correct an honest mistake that could contribute to a devastatingly significant change in health policy. With so much at stake, shouldn't we follow the regular order of the Senate? Shouldn't we insist that the Senate's best qualified health policy experts fully consider the complex policy implications before taking such an extraordinary risk for our constituents, our friends, and our families?

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. 2607

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 ''Pain Relief Promotion Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the first decade of the new millennium there should be a new emphasis on pain management and palliative care;

(2) the use of certain narcotics and other drugs or substances with a potential for abuse is strictly regulated under the Controlled Substances Act;

(3) the dispensing and distribution of certain controlled substances by properly registered practitioners for legitimate medical purposes are permitted under the Controlled Substances Act and implementing regulations;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort even if it increases the risk of death is a legitimate medical purpose and is permissible under the Controlled Substances Act;

(5) inadequate treatment of pain, especially for chronic diseases and conditions, irreversible diseases such as cancer, and end-of-life care, is a serious public health problem affecting hundreds of thousands of patients every year; physicians should not hesitate to dispense or distribute controlled substances when medically indicated for these conditions; and

(6) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.

TITLE I—PROMOTING PAIN MANAGEMENT AND PALLIATIVE CARE

SEC. 101. ACTIVITIES OF AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

''SEC. 903. PROGRAM FOR PAIN MANAGEMENT AND PALLIATIVE CARE RESEARCH AND QUALITY.

''(a) IN GENERAL.—Subject to subsections (e) and (f) of section 902, the Director shall carry out a program to accomplish the following:

''(1) Promote and advance scientific understanding of pain management and palliative care.

''(2) Collect and disseminate protocols and evidence-based practices regarding pain management and palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

''(b) DEFINITION.—In this section, the term 'pain management and palliative care' means—

''(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

''(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.''.

SEC. 102. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following:

''SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN MANAGEMENT AND PALLIATIVE CARE.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality, may award grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain management and palliative care.

''(b) PRIORITY.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

''(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program to be carried out with the award will include information and education on—

''(1) means for diagnosing and alleviating pain and other distressing signs and symptoms of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

''(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve

pain even in cases where such efforts may unintentionally increase the risk of death; and

''(3) recent findings, developments, and improvements in the provision of pain management and palliative care.

''(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

''(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding pain management and palliative care.

''(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served by the program.

''(g) DEFINITION.—In this section, the term 'pain management and palliative care' means—

''(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

''(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.''.

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended, in subsection (b)(1)(C), by striking ''sections 753, 754, and 755'' and inserting ''sections 753, 754, 755, and 756''.

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 103. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the ''Decade of Pain Control and Research''.

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 201. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

''(2)(A) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

''(B) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.

''(3) Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine. Regardless of whether the Attorney General determines pursuant to this section that the registration of a practitioner is inconsistent with the public interest, it remains solely within the discretion of State authorities to determine whether action should be taken with respect to the State professional license of the practitioner or State prescribing privileges.

''(4) Nothing in the Pain Relief Promotion Act of 2000 (including the amendments made by such Act) shall be construed—

''(A) to modify the Federal requirements that a controlled substance be dispensed only for a legitimate medical purpose pursuant to paragraph (1); or

''(B) to provide the Attorney General with the authority to issue national standards for pain management and palliative care clinical practice, research, or quality;

except that the Attorney General may take such other actions as may be necessary to enforce this Act.''.

(b) PAIN RELIEF.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking ''(c) Before'' and inserting the following:

''(c) PROCEDURES.—

''(1) ORDER TO SHOW CAUSE.—Before''; and

(2) by adding at the end the following:

''(2) BURDEN OF PROOF.—At any proceeding under paragraph (1), where the order to show cause is based on the alleged intentions of the applicant or registrant to cause or assist in causing death, and the practitioner claims a defense under paragraph (1) of section 303(i), the Attorney General shall have the burden of proving, by clear and convincing evidence, that the practitioner's intent was to dispense, distribute, or administer a controlled substance for the purpose of causing death or assisting another person in causing death. In meeting such burden, it shall not be sufficient to prove that the applicant or registrant knew that the use of controlled substance may increase the risk of death.''.

SEC. 202. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) educational and training programs for Federal, State, and local personnel, incorporating recommendations, subject to the provisions of subsections (e) and (f) of section 902 of the Public Health Service Act, by the Secretary of Health and Human Services, on the means by which investigation and enforcement actions by law enforcement personnel may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine.''.

SEC. 203. FUNDING AUTHORITY.

Notwithstanding any other provision of law, the operation of the diversion control fee account program of the Drug Enforcement Administration shall be construed to include carrying out section 303(i) of the Controlled Substances Act (21 U.S.C. 823(i)), as added by this Act, and subsections (a)(4) and (c)(2) of section 304 of the Controlled Substances Act (21 U.S.C. 824), as amended by this Act.

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.●

By Mr. GRASSLEY (for himself and Mr. ROTH):

S. 2608. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

LEGISLATION REGARDING THE TAXATION OF RURAL LETTER CARRIERS

● Mr. GRASSLEY. Mr. President, the U.S. Postal Service provides a vital and important communication link for the Nation and the citizens of my state of Iowa. Rural Letter Carriers play a special role and have a proud history as an important link in assuring the delivery of our mail. Rural Carriers first delivered the mail with their own horses and buggies, later with their own motorcycles, and now in their own vehicles. They are responsible for maintenance and operation of their vehicles in all types of weather and road conditions. In the winter, snow and ice is their enemy, while in the spring, the melting snow and ice causes potholes and washboard roads. In spite of these quite adverse conditions, rural letter carriers daily drive over 3 million miles and serve 24 million American families on over 66,000 routes.

Although the mission of rural carriers has not changed since the horse and buggy days, the amount of mail they deliver has, as the Nation's mail volume has continued to increase throughout the years, the Postal Service is now delivering more than 200 billion pieces of mail a year. The average carrier delivers about 2,300 pieces of mail a day to about 500 addresses. Most recently, e-commerce has changed the type of mail rural carriers deliver. This fact was confirmed in a recent GAO study entitled ''U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the 21st Century,'' dated October 21, 1999. As this report explains, the Postal Service expects declines in its core business, which is essentially letter mail, in the coming years. The growth of e-mail on the Internet, electronic communications, and electronic commerce has the potential to substantially affect the Postal Service's mail volume. First-Class mail has always been the bread and butter of the Postal Service's revenue, but the amount of revenue from First-Class letters will decline in the next few years. However, e-commerce is providing the Postal Service with another opportunity to increase another part of

its business. That's because what individuals and companies order over the Internet must be delivered, sometimes by the Postal Service and often by rural carriers. Currently, the Postal Service has about 33% percent of the parcel business. Carriers are now delivering larger volumes of business mail, parcels, and priority mail packages. But, more parcel business will mean more cargo capacity will be necessary in postal delivery vehicles, especially in those owned and operated by rural letter carriers.

When delivering greeting cards or bills, or packages ordered over the Internet, Rural Letter Carriers use vehicles they currently purchase, operate and maintain. In exchange, they receive a reimbursement from the Postal Service. This reimbursement is called an Equipment Maintenance Allowance (EMA). Congress recognizes that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a rural carrier is ready to sell such a vehicle, it's going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended to exempt the EMA allowance from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988. That provision allowed an employee of the U.S. Postal Service who was involved in the collection and delivery of mail on a rural route, to compute their business use mileage deduction as 150% percent of the standard mileage rate for all business use mileage. As an alternative, rural carrier taxpayers could elect to utilize the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayers Relief Act of 1997 further simplified the tax returns of rural letter carriers. This act permits the EMA income and expenses ''to wash,'' so that neither income nor expenses would have to be reported on a rural letter carrier's return. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses.

The lack of this option, combined with the dramatic changes the Internet has and will have on the mail, specifically on rural carriers and their vehicles, is a problem I believe Congress can and must address.

The mail mix is changing and already Postal Service management has, understandably, encouraged rural carriers to purchase larger right-hand drive vehicles, such as Sports Utility Vehicles (SUVs), to handle the increase in parcel loads. Large SUVs are much more expensive than traditional vehicles, so without the ability to use the actual expense method and depreciation, rural carriers must use their salaries to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

These developments have created a situation that is contrary to the historical congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today, along with Senator ROTH, that would reinstate the ability of a rural letter carrier to choose between using the actual expense method for computing the deduction allowable for business use of a vehicle, or using the current practice of deducting the reimbursed EMA expenses.

Rural carriers perform a necessary and valuable service and face many changes and challenges in this new Internet era. Let us make sure that these public servants receive fair and equitable tax treatment as they perform their essential role in fulfilling the Postal Service's mandate of binding the Nation together.

I urge my colleagues to join Senator ROTH and myself in supporting this legislation.●

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2609. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those acts, and for other purposes; to the Committee on Environment and Public Works.

THE WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

● Mr. CRAIG. Mr. President, I rise today to introduce legislation along with my colleague from Idaho, Senator CRAPO, that will eliminate government waste, conserve wildlife, and provide hunter safety opportunities.

We are all familiar with the Pittman-Robertson and Dingell-Johnson funds which impose an excise tax on firearms, archery equipment, and fishing equipment to conserve wildlife and provide funds to states for hunter safety programs. These funds were created decades ago with the support of both the sportsmen who pay the tax and the states who administer the projects.

The federal government collects the tax, which amounts to around half-a-billion dollars a year, and is authorized to withhold a percentage of the funds for administration of the program. This is how it should be. However, thanks to the thorough oversight of the program by Mr. YOUNG of Alaska, Chairman of the House Committee on Resources, it was uncovered that the U.S. Fish and Wildlife Service, the agency charged with administering the program, abused the vagueness of the law in exactly what constituted an administrative expense.

Under current law, the Service is authorized to withhold approximately $32 million a year to administer the program and, quite frankly, the law leaves it up to the Service as to what is an appropriate administrative expense. Mr. YOUNG discovered that the Service was spending this money on expenses that were outside the spirit of the law. These tax dollars paid by hunters and fishermen were being used for everything from foreign travel to grants to anti-hunting groups to endangered species programs that work against the interests of hunters. In addition, they created unauthorized grant programs, some of which have merit and are authorized in our bill, but all of which were created outside of the law.

Mr. President, I am not going to rehash all of the hearings that were held in the House on this issue. What I will say is that it was an embarrassment to the U.S. Fish and Wildlife Service, and, not until all but two members of the House supported legislation to fix the problems did the Service begin cooperating with Congress and admitting there were actions at the Service which they are not proud of.

In response to the waste, fraud, and abuse uncovered by his Committee, Mr. YOUNG introduced legislation to fix the problems. His legislation caps the administrative expenses at around half of the currently authorized level, sets in stone what is an authorized administrative expense, provides some specific money for hunter safety, authorizes a multi-state grant program, and creates a position of Assistant Director for Wildlife and Sport Fish Restoration Programs. His bill, H.R. 3671, passed the House on April 5th with an overwhelming vote of 423–2.

Mr. President, Senator CRAPO and I have taken the lead of the House by using their bill as a model and simply strengthened it for the sportsmen who pay the excise tax. By providing more money, $15 million per year, for hunter safety programs and providing a total of $7 million per year, $2 million more than the House, for the Multi-State Conservation Grant Program, this bill ensures that the money that sportsmen pay for wildlife conservation and hunter safety is actually used for those purposes.

Mr. President, this is a win-win for everyone—for wildlife and for tax payers—and I urge my colleagues to support it and work for its quick enactment.●

Mr. CRAPO. Mr. President, I rise today to introduce the Wildlife and

Sport Fish Restoration Programs Improvement Act of 2000 with my colleague, Senator LARRY CRAIG, to bring accountability back to the U.S. Fish and Wildlife Service's administration of the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sportfish Restoration Act. For years, the Fish and Wildlife Service has apparently misused millions of dollars from these accounts, betraying the trust of America's sportsman.

Congressional investigations and a General Accounting Office audit of the U.S. Fish and Wildlife Service have revealed that, contrary to existing law, money has been routinely diverted to administrative slush funds, withheld from states, and generally misused for purposes unrelated to either sportfishing or wildlife conservation. In addition, the GAO called the Division of Federal Aid, ''if not the worst, one of the worst-managed programs we have encountered.'' As an avid outdoorsman, I am particularly disturbed by this abuse.

Since 1937, sportsman have willingly paid an excise tax on hunting, and later fishing, equipment. These hunters, shooters, and anglers paid this tax with the understanding that the money would be used for state fish and wildlife conservation programs. This partnership has been instrumental in providing generations of Americans a quality recreational experience. Through the years, it has been an experience that I have enjoyed with both my parents and my children.

The Federal Aid in Wildlife Restoration Program, commonly known as the Pittman-Robertson Act, provides funding for wildlife habitat restoration and improvement, wildlife management research, hunter education, and public target ranges. Funds for the Pittman-Robertson Act are derived from an 11 percent excise tax on sporting arms, ammunition, and archery equipment, and a 10 percent tax on handguns.

The Federal Aid in Sport Fish Restoration Program, often referred to as the Dingell-Johnson and Wallop-Breaux Acts, is funded through a 10 percent excise tax on fishing equipment and a 3 percent tax on electric trolling motors, sonor fish finders, taxes on motorboat fuels, and import duties on fishing and pleasure boats. Through the cost reimbursement program, states use these funds to enhance sport fishing. These enhancements come through fish stocking, acquisition and improvement of habitat educational programs, and development of recreational facilities that directly support sport fishing, such as boat ramps and fishing piers.

Under the law, revenue from these taxes are expected to be returned to state and local fish and game organizations for programs to manage and enhance sport fish and game species. The Fish and Wildlife Service is supposed to deduct only the cost of administering the programs, up to 8 percent of Pittman-Robertson revenues and 6 percent of Dingell-Johnson funds.

Unfortunatly, these funds have been misdirected and misused by the Fish and Wildlife Service. Through their investment in the Federal Aid program, America's hunters and fisherman have proved themselves to be our nation's true conservationists. Through its misuse of these funds, the Fish and Wildlife Service has proven itself to be a negligent steward of the public trust.

The Wildlife and Sport Fish Restoration Programs Improvement Act, would restore accountability to the administration of Federal Aid funds. By limiting the amount of revenue that may be used on administration, and the accounts that these funds may be used for, this bill will reign in the opportunities for misuse by the Fish and Wildlife Service. Our legislation will also make legal a multi-state conservation grant program to allow streamlined funding for projects that involve multiple states. Additionally, the bill will increase funding for firearm and bow hunter safety programs.

This bill seeks to re-establish a trust between the hunters and anglers who pay the excise taxes and the federal government. It is an opportunity to repair a system that has been lauded as one of the nation's most successful conservation efforts. I hope my colleagues will join with us in a bipartisan effort to restore accountability and responsibility to the Federal Aid programs and the Fish and Wildlife Service.

By Mr. HARKIN (for himself, Mr. THOMAS, Mr. CRAIG, and Mr. FEINGOLD):

S. 2610. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Finance.

THE MEDICARE FAIRNESS IN REIMBURSEMENT ACT OF 2000

• Mr. HARKIN. Mr. President, I am pleased to be joined today by my colleagues, Senator THOMAS, Senator CRAIG and Senator FEINGOLD, to introduce the ''Medicare Fairness in Reimbursement Act of 2000.'' This legislation addresses the terrible unfairness that exists today in Medicare payment policy.

According to the latest Medicare figures, Medicare payments per beneficiary by state of residence ranged from slightly more than $3000 to well in excess of $6500. For example, in Iowa, the average Medicare payment was $3456, nearly a third less than the national average of $5,034. In Wyoming the situation is worse, with an average payment of approximately $3200.

This payment inequity is unfair to seniors in Iowa and Wyoming, and it is unfair to rural beneficiaries everywhere. The citizens of my home state pay the same Medicare payroll taxes required of every American taxpayer. Yet they get dramatically less in return.

Ironically, rural citizens are not penalized by the Medicare program because they practice inefficient, high cost medicine. The opposite is true. The low payment rates received in rural areas are in large part a result of their historic conservative practice of health care. In the early 1980's rural states' lower-than-average costs were used to justify lower payment rates, and Medicare's payment policies since that time have only widened the gap between low- and high-cost states.

Mr. President, late last year I wrote to the Health Care Financing Administration (HCFA) and I asked them a simple question. I asked their actuaries to estimate for me the impact on Medicare's Trust Funds, which at that time were scheduled to go bankrupt in 2015, if average Medicare payments to all states were the same as Iowa's.

I've always thought Iowa's reimbursement level was low. But HCFA's answer suprised even me. The actuaries found that if all states were reimbursed at the same rate as Iowa, Medicare would be solvent for at least 75 years, 60 years beyond their projections.

I'm not suggesting that all states should be brought down to Iowa's level. But there is no question that the long-term solvency of the Medicare program is of serious national concern. And as Congress considers ways to strengthen and modernize the Medicare program, the issue of unfair payment rates needs to be on the table.

The bill we are introducing today, the ''Medicare Fairness in Reimbursement Act of 2000'' sends a clear signal. These historic wrongs must be righted. Before any Medicare reform bill passes Congress, I intend to make sure that rural beneficiaries are guaranteed access to the same quality health care services of their urban counterparts.

Mr. President, our legislation does the following:

Requires HCFA to improve the fairness of payments under the original Medicare fee-for-services system by adjusting payments for items and services so that no state is greater than 105% above the national average, and no state is below 95% of the national average. An estimated 30 states would benefit under these adjustments, based on 1998 data from the Ways and Means Green Book.

Requires improvements in the collection and use of hospital wage data by occupational category. Experts agree the current system of collecting hospital data ''lowballs'' the payment received by rural hospitals. Large urban hospitals are overcompensated today because they have a much higher number of highly-paid specialists and subspecialists on their staff, while small rural hospitals tend to have more generalists, who aren't as highly paid.

Ensures that beneficiaries are held harmless in both payments and services.

Ensures budget neutrality.

Automatically results in adjustment of Medicare managed care payments to reflect increased equity between rural and urban areas.

This legislation simply ensures basic fairness in our Medicare payment policy. I urge my Senate colleagues, no matter what state you're from, to consider our bill and join us in supporting this common sense Medicare reform. Thank you.

Mr. President, I ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2610

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 ''Medicare Fairness in Reimbursement Act of 2000''.

SEC. 2. IMPROVING FAIRNESS OF PAYMENTS UNDER THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new sections:

''IMPROVING FAIRNESS OF PAYMENTS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM

''SEC. 1897. (a) ESTABLISHMENT OF SYSTEM.—Notwithstanding any other provision of law, the Secretary shall establish a system for making adjustments to the amount of payment made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B.

''(b) SYSTEM REQUIREMENTS.—

''(1) ADJUSTMENTS.—Under the system described in subsection (a), the Secretary (beginning in 2001) shall make the following adjustments:

''(A) CERTAIN STATES ABOVE NATIONAL AVERAGE.—If a State average per beneficiary amount for a year is greater than 105 percent (or 110 percent in the case of the determination made in 2000) of the national average per beneficiary amount for such year, then the Secretary shall reduce the amount of applicable payments in such a manner as will result (as estimated by the Secretary) in the State average per beneficiary amount for the subsequent year being at 105 percent (or 110 percent in the case of payments made in 2001) of the national average per beneficiary amount for such subsequent year.

''(B) CERTAIN STATES BELOW NATIONAL AVERAGE.—If a State average per beneficiary amount for a year is less than 95 percent (or 90 percent in the case of the determination made in 2000) of the national average per beneficiary amount for such year, then the Secretary shall increase the amount of applicable payments in such a manner as will result (as estimated by the Secretary) in the State average per beneficiary amount for the subsequent year being at 95 percent (or 90 percent in the case of payments made in 2001) of the national average per beneficiary amount for such subsequent year.

''(2) DETERMINATION OF AVERAGES.—

''(A) STATE AVERAGE PER BENEFICIARY AMOUNT.—Each year (beginning in 2000), the Secretary shall determine a State average per beneficiary amount for each State which shall be equal to the Secretary's estimate of the average amount of expenditures under the original medicare fee-for-service program under parts A and B for the year for a beneficiary enrolled under such parts that resides in the State

''(B) NATIONAL AVERAGE PER BENEFICIARY AMOUNT.—Each year (beginning in 2000), the Secretary shall determine the national average per beneficiary amount which shall be equal to the average of the State average per beneficiary amounts determined under subparagraph (B) for the year.

''(3) DEFINITIONS.—In this section:

''(A) APPLICABLE PAYMENTS.—The term 'applicable payments' means payments made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B to beneficiaries enrolled under such parts that reside in the State.

''(B) STATE.—The term 'State' has the meaning given such term in section 210(h).

''(c) BENEFICIARIES HELD HARMLESS.—The provisions of this section shall not effect—

''(1) the entitlement to items and services of a beneficiary under this title, including the scope of such items and services; or

''(2) any liability of the beneficiary with respect to such items and services.

''(d) REGULATIONS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Medicare Payment Advisory Commission, shall promulgate regulations to carry out this section.

''(2) PROTECTING RURAL COMMUNITIES.—In promulgating the regulations pursuant to paragraph (1), the Secretary shall give special consideration to rural areas.

''(e) BUDGET NEUTRALITY.—The Secretary shall ensure that the provisions contained in this section do not cause the estimated amount of expenditures under this title for a year to increase or decrease from the estimated amount of expenditures under this title that would have been made in such year if this section had not been enacted.

''IMPROVEMENTS IN COLLECTION AND USE OF HOSPITAL WAGE DATA

''SEC. 1898. (a) COLLECTION OF DATA.—

''(1) IN GENERAL.—The Secretary shall establish procedures for improving the methods used by the Secretary to collect data on employee compensation and paid hours of employment for hospital employees by occupational category.

''(2) TIMEFRAME.—The Secretary shall implement the procedures described in paragraph (1) by not later than 180 days after the date of enactment of the Rural Health Protection and Improvement Act of 2000.

''(b) ADJUSTMENT TO HOSPITAL WAGE LEVEL.—By not later than 1 year after the date of enactment of the Rural Health Protection and Improvement Act of 2000, the Secretary shall make necessary revisions to the methods used to adjust payments to hospitals for different area wage levels under section 1886(d)(3)(E) to ensure that such methods take into account the data described in subsection (a)(1).

''(c) LIMITATION.—To the extent possible, in making the revisions described in subsection (b), the Secretary shall ensure that current rules regarding which hospital employees are included in, or excluded from, the determination of the hospital wage levels are not effected by such revisions.

''(d) BUDGET NEUTRALITY.—The Secretary shall ensure that any revisions made under subsection (b) do not cause the estimated amount of expenditures under this title for a year to increase or decrease from the estimated amount of expenditures under this title that would have been made in such year if the Secretary had not made such revisions.''.●

● Mr. THOMAS. Mr. President, I rise today to join my colleagues in introducing the ''Medicare Fairness in Reimbursement Act of 2000,'' which specifically addresses the current payment inequities of the Medicare program. I am pleased to have worked with Mr. HARKIN, Mr. CRAIG, and Mr. FEINGOLD in crafting this bill for rural Medicare beneficiaries.

This bill directs the Secretary of the Department of Health and Human Services to establish a payment system for Medicare's Part A and B fee-for-service programs that guarantees each state's average per beneficiary amount is within 95 percent and 105 percent of the national average. The reason for this seemingly drastic action is because the current payment disparities between states is unacceptable. According to 1998 data, Wyoming's per beneficiary spending is 36 percent below the national average of $5,000 while some other states receive almost 36 percent above the national average.

Mr. President, I understand that there are some legitimate cost differences among states in providing health care services to our seniors, but I do not believe there is justification for an inequity of this size. Seniors in Wyoming and other rural states have paid the same Medicare tax over the years as beneficiaries residing in urban states. However, the current Medicare payment system does not reflect the equal contributions made by all seniors.

The other section of this legislation requires the Secretary to make adjustments to the hospital wage index under the prospective payment system after developing and implementing improved methods for collecting the necessary hospital employee data.

I believe this legislation is an important piece of the overall Medicare reform puzzle. I feel strongly that any final legislation approved by the Senate to ensure Medicare is financially stable for current and future generations must also ensure all beneficiaries are treated fairly and equitably. Mr. President, the current system is not only far from long-term solvency, it is far from fair, especially to seniors living in rural states such as Wyoming.''●

By Mr. LEVIN:

S. 2611. A bill to provide trade adjustment assistance for certain workers; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE LEGISLATION

● Mr. LEVIN. Mr. President, I rise today to introduce a bill that will close a loop hole in the Trade Adjustment Assistance program for employees of the Copper Range Company, formerly the White Pine Company, a copper mine in White Pine, Michigan. My legislation will extend TAA benefits to those employees who were responsible for performing the environmental remediation that was required to close the facility.

My legislation is needed because these employees were unfairly excluded from the TAA certification that applied to other workers at the facility simply because the service they provide, environmental remediation, does not technically support the production of the article that the mine produced: copper. My legislation simply extends TAA coverage to those few workers

who remained at the facility with responsibility for the environmental remediation necessary to close the facility.

The Copper Range Company received NAFTA–TAA certification in 1995 when it began closing down. The company was still in the process of closing down in 1997 and received re-certification at that time. As of the end of 1999, there were still workers at the plant engaged in the final stages of closing down. Their work consisted of environmental remediation. When the plant applied for re-certification in September for purposes of covering these workers, the Department of Labor (DoL) denied the request because DoL said that the remaining workers were not performing a job ending because of transplant to another NAFTA country; they were performing environmental remediation, not production of copper.

Mr. President, this is an unfair catch-22 situation that must be rectified legislatively. The legislation I am introducing today would provide those few employees involved in the final stages of closing down the mine with the same TAA benefits their coworkers received. The total number of workers at issue is small and my legislative fix is straightforward. I hope this legislation can be adopted quickly so that these Michigan workers who have fallen through the cracks can access the TAA benefits they rightfully deserve.

I ask unanimous consent that the bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2611

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

SECTION 1. TRADE ADJUSTMENT ASSISTANCE.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA–W–31,402; and

(B) was necessary for the environmental remediation or closure of a copper mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.●

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH):

S. 2612. A bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

THE ECSTASY ANTI-PROLIFERATION ACT OF 2000

● Mr. GRAHAM. Mr. President, I rise today, along with my colleagues, to introduce the Ecstasy Anti-Proliferation Act of 2000—legislation to combat the recent rise in trafficking, distribution and abuse of MDMA, a drug commonly known as Ecstasy.

The Office of National Drug Control Policy's Year 2000 Annual Report on the National Drug Control Strategy clearly states that the use of Ecstasy is on the rise in the United States, particularly among teenagers and young professionals. My state of Florida has been particularly hard hit by this plague. Ecstasy is customarily sold and consumed at ''raves,'' which are semi-clandestine, all-night parties and concerts. Young Americans are lulled into a belief that Ecstasy, and other designer drugs are ''safe'' ways to get high, escape reality, and enhance intimacy in personal relationships. The drug traffickers make their living off of perpetuating and exploiting this myth.

Mr. President, I want to be perfectly clear in stating that Ecstasy is an extremely dangerous drug. In my state alone, 189 deaths have been attributed to the use of club drugs in the last three years. In 33 of those deaths, Ecstasy was the most prevalent drug, of several, in the individual's system. Seven deaths were caused by Ecstasy alone. In the first four months of this year there have already been six deaths directly attributed to Ecstasy. This drug is a definite killer.

Numerous data also reflect the increasing availability of Ecstasy in metropolitan centers and suburban communities. In a speech to the Federal Law Enforcement Foundation earlier this year, Customs Commissioner Raymond Kelly stated that in the first few months of fiscal year 2000, the Customs Service had already seized over four million Ecstasy tablets. He estimates that the number will grow to at least eight million tablets by the end of the year which represents a substantial increase from the 500,000 tablets seized in fiscal year 1997.

The lucrative nature of Ecstasy encourages its importation. Production costs are as low as two to twenty-five cents per dose while retail prices in the U.S. range from twenty dollars to forty-five dollars per dose. Manufactured mostly in Europe—in nations such as The Netherlands, Belgium, and Spain where pill presses are not controlled as they are in the U.S.—Ecstasy has erased all of the old routes law enforcement has mapped out for the smuggling of traditional drugs.

Under current federal sentencing guidelines, one gram of Ecstasy is equivalent to only 35 grams of marijuana. In contrast, one gram of methamphetamine is equivalent to two kilograms of marijuana. This results in relatively short periods of incarceration for individuals sentenced for Ecstasy-related crimes. When the potential profitability of this drug is compared to the potential punishment, it is easy to see what makes Ecstasy extremely attractive to professional smugglers.

Mr. President, the Ecstasy Anti-Proliferation Act of 2000 addresses this growing and disturbing problem. First, the bill increases the base level offense for Ecstasy-related crimes, making them equal to those of methamphetamine. This provision also accomplishes the goal of effectively lowering the amount of Ecstasy required for prosecution under the laws governing possession with the intent to distribute by sending a message to Federal prosecutors that this drug is a serious threat.

Second, by addressing law enforcement and community education programs, this bill will provide for an Ecstasy information campaign. Through this campaign, our hope is that Ecstasy will soon go the way of crack, which saw a dramatic reduction in the quantities present on our streets after information of its unpredictable impurities and side effects were made known to a wide audience. By using this educational effort we hope to avoid future deaths like the one columnist Jack Newfield wrote about in saddening detail.

It involved an 18-year-old who died after taking Ecstasy in a club where the drug sold for $25 a tablet and water for $5 a bottle. Newfield speaks of how the boy tried to suck water from the club's bathroom tap that had been turned off so that those with drug induced thirst would be forced to buy the bottled water.

Mr. President, the Ecstasy Anti-Proliferation Act of 2000 can only help in our fight against drug abuse in the United States. We urge our colleagues in the Senate to join us in this important effort by cosponsoring this bill.●

● Mr. GRASSLEY. Mr. President, I am pleased to be joining my colleague, Senator GRAHAM, to cosponsor the Ecstasy Anti-Proliferation Act of 2000. This legislation is vital for the safety of our children and our nation. Around the country, Ecstasy use is exploding at an alarming rate from our big cities to our rural neighborhoods. According to Customs officials, Ecstasy is spreading faster than any drug since crack cocaine. This explosion of Ecstasy smuggling has prompted Customs to create a special task force, that focuses exclusively on the designer drug.

Along with my colleague Senator GRAHAM, I believe it is important that we act to stop the spread of this drug. I join with Senator GRAHAM in urging our colleagues to support the Ecstasy Anti-Proliferation Act of 2000, and pass this measure quickly. By enacting this important bill, we will get drug dealers out of the lives of our young people and alert the public to the dangers of Ecstasy.●

Mr. BIDEN. Mr. President, there is a new drug on the scene—Ecstasy, a synthetic stimulant and hallucinogen. It belongs to a group of drugs referred to

as ''club drugs'' because they are associated with all-night dance parties known as ''raves.''

There is a widespread misconception that Ecstasy is not a dangerous drug—that it is ''no big deal.'' I am here to tell you that Ecstasy is a very big deal. The drug depletes the brain of serotonin, the chemical responsible for mood, thought, and memory. Studies show that Ecstasy use can reduce serotonin levels by up to 90 percent for at least two weeks after use and can cause brain damage.

If that isn't a big deal, I don't know what is.

A few months ago we got a significant warning sign that Ecstasy use is becoming a real problem. The University of Michigan's Monitoring the Future survey, a national survey measuring drug use among students, reported that while overall levels of drug use had not increased, past month use of Ecstasy among high school seniors increased more than 66 percent.

The survey showed that nearly six percent of high school seniors have used Ecstasy in the past year. This may sound like a small number, so let me put it in perspective—it is just slightly less than the percentage of seniors who used cocaine and it is five times the number of seniors who used heroin.

And with the supply of Ecstasy increasing as rapidly as it is, the number of kids using this drug is only likely to increase. By April of this year, the Customs Service had already seized 4 million Ecstasy pills—greater than the total amount seized in all of 1999 and more than five times the amount seized in all of 1998.

Though New York is the East Coast hub for this drug, it is spreading quickly throughout the country. Last July, in my home state of Delaware, law enforcement officials seized 900 Ecstasy pills in Rehoboth Beach. There are also reports of an Ecstasy problem in Newark among students at the University of Delaware.

We need to address this problem now, before it gets any worse. That is why I am pleased to join Senators GRAHAM, GRASSLEY and THOMAS to introduce the ''Ecstasy Anti-Proliferation Act of 2000'' today. The legislation takes the steps—both in terms of law enforcement and prevention—to address this problem in a serious way before it gets any worse.

The legislation directs the federal Sentencing Commission to increase the recommended penalties for manufacturing, importing, exporting or trafficking Ecstasy. Though Ecstasy is a Schedule I drug—and therefore subject to the most stringent federal penalties—not all Schedule I drugs are treated the same in our sentencing guidelines. For example, selling a kilogram of marijuana is not as serious an offense as selling a kilogram of heroin. The sentencing guidelines differentiate between the severity of drugs—as they should.

But the current sentencing guidelines do not recognize how dangerous Ecstasy really is.

Under current federal sentencing guidelines, one gram of Ecstasy is treated like 35 grams of marijuana. Under the ''Ecstasy Anti-Proliferation Act'', one gram of Ecstasy would be treated like 2 kilograms of marijuana. This would make the penalties for Ecstasy similar to those for methamphetamine.

The legislation also authorizes a major prevention campaign in schools, communities and over the airwaves to make sure that everyone—kids, adults, parents, teachers, cops, clergy, etc.—know just how dangerous this drug really is. We need to dispel the myth that Ecstasy is not a dangerous drug because, as I stated earlier, this is a substance that can cause brain damage and can even result in death. We need to spread the message so that kids know the risk involved with taking Ecstasy, what it can do to their bodies, their brains, their futures. Adults also need to be taught about this drug—what it looks like, what someone high on Ecstasy looks like, and what to do if they discover that someone they know is using it.

Mr. President, I have come to the floor of the United States Senate on numerous occasions to state what I view as the most effective way to prevent a drug epidemic. My philosophy is simple: the best time to crack down on a drug with uncompromising enforcement pressure is before the abuse of the drug has become rampant. The advantages of doing so are clear—there are fewer pushers trafficking in the drug and, most important, fewer lives and fewer families will have suffered from the abuse of the drug.

It is clear that Ecstasy use is on the rise. Now is the time to act before Ecstasy use becomes our next drug epidemic. I urge my colleagues to join me in supporting this legislation and passing it quickly so that we can address the escalating problem of Ecstasy use before it gets any worse.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2614. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment on certain manufacturing equipment; to the Committee on Finance.

TO SUSPEND THE DUTY ON CERTAN EQUIPMENT USED IN THE MANUFACTURING INDUSTRY

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will suspend the duties imposed on certain manufacturing equipment that is necessary for tire production. Currently, this equipment is imported for use in the United States because there are no known American producers. Therefore, suspending the duties on this equipment would not adversely affect domestic industries.

This bill would temporarily suspend the duty on tire manufacturing equipment required to make certain large off-road tires that fall between the sizes currently fabricated in the United States. These tires would be used primarily in agriculture.

Mr. President, suspending the duty on this manufacturing equipment will benefit the consumer by stabilizing the costs of manufacturing these products. In addition to permitting new production in this country, these duty suspensions will allow U.S. manufacturers to maintain or improve their ability to compete internationally. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2614

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

SECTION 1. SUSPENSION OF DUTY ON CERTAIN MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—Subheadings 9902.84.79, 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 of the Harmonized Tariff Schedule of the United States are each amended—

(1) by striking ''4011.91.50'' each place it appears and inserting ''4011.91'';

(2) by striking ''4011.99.40'' each place it appears and inserting ''4011.99''; and

(3) by striking ''86 cm'' each place it appears and inserting ''63.5 cm''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 2615. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE BOOK STAMP ACT

● Mr. KENNEDY. Mr. President, literacy is the foundation of learning, but too many Americans today are not able to read a single sentence. Nearly 40 percent of the nation's children are unable to read at grade-level by the end of the third grade. In communities with high concentrations of at-risk children, the failure rate is an astonishing 60 percent. As a result, their entire education is likely to be derailed.

In the battle against literacy, it is not enough to reach out more effectively to school-aged children. We must start earlier—and reach children before they reach school. Pediatricians like Dr. Barry Zuckerman at the Boston Medical Center have been telling us for years that reading to children from birth through school age is a medical issue that should be raised at every well child visit, since a child's brain needs this kind of stimulation to grow to its full potential. Reading to young children in the years before age 5 has a profound effect on their ability

to learn to read. But too often the problem is that young children do not have access to books appropriate to their age. A recent study found that 60 percent of the kindergarten children who performed poorly in school did not own a single book.

The Book Stamp Act that Senator HUTCHISON and I are introducing today is a step to cure that problem. Our goal is to see that all children in this country have books of their own before they enter school.

Regardless of culture or wealth, one of the most important factors in the development of literacy is home access to books. Students from homes with an abundance of reading materials are substantially better readers than those with few or no reading materials available.

But it is not enough to just dump a book into a family's home. Since young children cannot read to themselves, we must make sure that an adult is available who interacts with the child and will read to the child.

In this day of two-parent working families, young children spend substantial time in child care and family care facilities, which provide realistic opportunities for promoting literacy. Progress is already being made on this approach. Child Care READS!, for example, is a national communications campaign aimed at raising the awareness of the importance of reading in child care settings.

The Book Stamp Act will make books available to children and parents through these child care and early childhood education programs.

The act authorizes an appropriation of $50 million a year for this purpose. It also creates a special postage stamp, similar to the Breast Cancer Stamp, which will feature an early learning character, and will sell at a slightly higher rate than the normal 33 cents, with the additional revenues designated for the Book Stamp Program.

The resources will be distributed through the Child Care and Development Block Grant to the state child care agency in each state. The state agency then will allocate its funds to local child care research and referral agencies throughout the state on the basis of local need.

There are 610 such agencies in the country, with at least one in every state. These non-profit agencies, offer referral services for parents seeking child care, and also provide training for child care workers. The agencies will work with established book distribution programs such as First Book, Reading is Fundamental, and Reach Out and Read to coordinate the buying of discounted books and the distribution of the books to children.

Also, to help parents and child care providers become well informed about the best ways to read to children and the most effective use of books with children at various stages of development, the agencies will provide training and technical assistance on these issues.

Our goal is to work closely with parents, children, child care providers and publishers to put at least one book in the hands of every needy child in America. Together, we can make significant progress in early childhood literacy, and I believe we can make it quickly.

We know what works to combat illiteracy. We owe it to the nation's children and the nation's future to do all we can to win this battle.

Mr. President, I ask unanimous consent that the full text of the bill and the accompanying letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2615

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 ''Book Stamp Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Literacy is fundamental to all learning.

(2) Between 40 and 60 percent of the Nation's children do not read at grade level, particularly children in families or school districts that are challenged by significant financial or social instability.

(3) Increased investments in child literacy are needed to improve opportunities for children and the efficacy of the Nation's education investments.

(4) Increasing access to books in the home is an important means of improving child literacy, which can be accomplished nationally at modest cost.

(5) Effective channels for book distribution already exist through child care providers.

SEC. 3. DEFINITION.

In this Act:

(1) EARLY LEARNING PROGRAM.—The term ''early learning'', used with respect to a program, means a program of activities designed to facilitate development of cognitive, language, motor, and social-emotional skills in children under age 6 as a means of enabling the children to enter school ready to learn, such as a Head Start or Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), or a State pre-kindergarten program.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) STATE.—The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) STATE AGENCY.—The term ''State agency'' means an agency designated under section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b).

SEC. 4. GRANTS TO STATE AGENCIES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to promote child literacy and improve children's access to books at home and in early learning and other child care programs, by making books available through early learning and other child care programs.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall make grants to State agencies from allotments determined under paragraph (2).

(2) ALLOTMENTS.—For each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the total of the available funds for the fiscal year as the amount the State receives under section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) for the fiscal year bears to the total amount received by all States under that section for the fiscal year.

(c) APPLICATIONS.—To be eligible to receive an allotment under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) ACCOUNTABILITY.—The provisions of sections 658I(b) and 658K(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(b), 9858i(b)) shall apply to States receiving grants under this Act, except that references in those sections—

(1) to a subchapter shall be considered to be references to this Act; and

(2) to a plan or application shall be considered to be references to an application submitted under subsection (c).

(e) DEFINITION.—In this section, the term ''available funds'', used with respect to a fiscal year, means the total of—

(1) the funds made available under section 416(c)(1) of title 39, United States Code for the fiscal year; and

(2) the amounts appropriated under section 9 for the fiscal year.

SEC. 5. CONTRACTS TO CHILD CARE RESOURCE AND REFERRAL AGENCIES.

A State agency that receives a grant under section 4 shall use funds made available through the grant to enter into contracts with local child care resource and referral agencies to carry out the activities described in section 6. The State agency may reserve not more than 3 percent of the funds made available through the grant to support a public awareness campaign relating to the activities.

SEC. 6. USE OF FUNDS.

(a) ACTIVITIES.—

(1) BOOK PAYMENTS FOR ELIGIBLE PROVIDERS.—A child care resource and referral agency that receives a contract under section 5 shall use the funds made available through the grant to provide payments for eligible early learning program and other child care providers, on the basis of local needs, to enable the providers to make books available, to promote child literacy and improve children's access to books at home and in early learning and other child care programs.

(2) ELIGIBLE PROVIDERS.—To be eligible to receive a payment under paragraph (1), a provider shall—

(A)(i) be a center-based child care provider, a group home child care provider, or a family child care provider, described in section 658P(5)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(5)(A)); or

(ii) be a Head Start agency designated under section 641 of the Head Start Act (42 U.S.C. 9836), an entity that receives assistance under section 645A of such Act to carry out an Early Head Start program or another provider of an early learning program; and

(B) provide services in an area where children face high risks of literacy difficulties, as defined by the Secretary.

(b) RESPONSIBILITIES.—A child care resource and referral agency that receives a contract under section 5 to provide payments to eligible providers shall—

(1) consult with local individuals and organizations concerned with early literacy (including parents and organizations carrying out the Reach Out and Read, First Book, and

Reading Is Fundamental programs) regarding local book distribution needs;

(2) make reasonable efforts to learn public demographic and other information about local families and child literacy programs carried out by the eligible providers, as needed to inform the agency's decisions as the agency carries out the contract;

(3) coordinate local orders of the books made available under this Act;

(4) distribute, to each eligible provider that receives a payment under this Act, not fewer than 1 book every 6 months for each child served by the provider for more than 3 of the preceding 6 months;

(5) use not more than 5 percent of the funds made available through the contract to provide training and technical assistance to the eligible providers on the effective use of books with young children at different stages of development; and

(6) be a training resource for eligible providers that want to offer parent workshops on developing reading readiness.

(c) DISCOUNTS.—

(1) IN GENERAL.—Federal funds made available under this Act for the purchase of books may only be used to purchase books on the same terms as are customarily available in the book industry to entities carrying out nonprofit bulk book purchase and distribution programs.

(2) TERMS.—An entity offering books for purchase under this Act shall be present to have met the requirements of paragraph (1), absent contrary evidence, if the terms include a discount of 43 percent off the catalogue price of the books, with no additional charge for shipping and handling of the books.

(d) ADMINISTRATION.—The child care resource and referral agency may not use more than 6 percent of the funds made available through the contract for administrative costs.

SEC. 7. REPORT TO CONGRESS.

Not later than 2 years of the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report on the implementation of the activities carried out under this Act.

SEC. 8. SPECIAL POSTAGE STAMPS FOR CHILD LITERACY.

Chapter 4 of title 39, United States Code is amended by adding at the end the following:

''§ 416. Special postage stamps for child literacy

''(a) In order to afford the public a convenient way to contribute to funding for child literacy, the Postal Service shall establish a special rate of postage for first-class mail under this section. The stamps that bear the special rate of postage shall promote childhood literacy and shall, to the extent practicable, contain an image relating to a character in a children's book or cartoon.

''(b)(1) The rate of postage established under this section—

''(A) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

''(B) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures described in chapter 36); and

''(C) shall be offered as an alternative to the regular first-class rate of postage.

''(2) The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

''(c)(1) Of the amounts becoming available for child literacy pursuant to this section, the Postal Service shall pay 100 percent to the Department of Health and Human Services.

''(2) Payments made under this subsection to the Department shall be made under such arrangements as the Postal Service shall by mutual agreement with such Department establish in order to carry out the objectives of this section, except that, under those arrangements, payments to such agency shall be made at least twice a year.

''(3) In this section, the term 'amounts becoming available for child literacy pursuant to this section' means—

''(A) the total amounts received by the Postal Service that the Postal Service would not have received but for the enactment of this section; reduced by

''(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that the Postal Service shall prescribe.

''(d) It is the sense of Congress that nothing in this section should—

''(1) directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services, or any other agency of the Government (or any component or program of the Government), below the level that would otherwise have been received but for the enactment of this section; or

''(2) affect regular first-class rates of postage or any other regular rates of postage.

''(e) Special postage stamps made available under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of enactment of this section.

''(f) The Postmaster General shall include in each report provided under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include information on—

''(1) the total amounts described in subsection (c)(3)(A) that were received by the Postal Service during the period covered by such report; and

''(2) of the amounts described in paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(3)(B).

''(g) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps made available under this section are first made available to the public.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $50,000,000 for each of fiscal years 2001 through 2005.

CHILDREN'S DEFENSE FUND,
E. STREET, NW,
Washington, DC, May 23, 2000.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Children's Defense Fund welcomes the introduction of the Book Stamp Act. This legislation make books available in early learning/child care programs for young children and their parents. Reading to young children on a regular basis is a first step to ensure that they become strong readers. This bill gives parents access to books to make it more likely for them to read to their children. Thank you for recognizing how important reading is for our youngest children.

Sincerely yours,
MARIAN WRIGHT EDELMAN.

4 TO 14.COM,
BROADWAY,
New York, NY, May 23, 2000.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I sincerely commend you on your sponsoring the ''Book Stamp'' legislation.

As the CEO of a dot-com designed to help children learn, I am very aware of the ''digital divide'' that separates children from wealthier families from those growing up in poorer households. That disparity—that difference in opportunity—doesn't begin when children start using the computer and exploring the Internet. Rather, it starts much earlier, when very young children should have their first exposure and access exposed to books.

Unfortunately, far too many children—particularly children from lower income families—simply do not have books to call their own. They need books, lots of them, for brain development, to develop the basis and ''habit'' of reading, and to share in one of the true joys of childhood.

Ensuring that all children—particularly those under five years of age—have access to good books that they can call their own, is an essential ingredient of a healthy childhood. This legislation will help make that a reality.

As Susan Roman of the ALA once pointed out, ''Books are the on-ramp to the information super-highway.''

I commend you and Senator Hutchison for being real leaders in this crusade to make all children ready to meet the challenges of the 21st century.

Please let me know how I can help.

Sincerely,
STEVE COHEN,
President.

ASSOCIATION OF AMERICAN
PUBLISHERS, INC.,
Washington, DC, May 23, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR TED: The American publishing industry enthusiastically supports the ''Book Stamp Act'' introduced by you and Senator Hutchison today. This important and timely legislation acknowledges the fact that young minds need as much nourishing as young bodies.

Every September, some 40 percent of American children who start school are not literacy-ready and, for most, that educational gap never closes. From a growing body of research, we have begun to understand how important it is for very young children to have books in their lives. At BookExpo America on June 3, for the first time, a distinguished group of early literacy experts, pediatricians, child-development professionals and children's publishers will come together to explore ways of improving access to quality books for the 13 million pre-school-age children in daycare and early education programs. The ''Book Stamp Act'' couldn't come at a better time.

We congratulate you on the introduction of the ''Book Stamp Act,'' and look forward to working with you to ensure its passage.

With warmest regards,

Sincerely,
PATRICIA S. SCHROEDER.

NATIONAL ASSOCIATION FOR THE
EDUCATION OF YOUNG CHILDREN,
Washington, DC, May 23, 2000.

Hon. EDWARD M. KENNEDY,
Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND HUTCHISON: The National Association for the Education

of Young Children (NAEYC), representing over 100,000 individuals dedicated to excellence in early childhood education, commends you for your leadership in promoting early childhood literacy through the Book Stamps legislation you will introduce today.

Learning to read and write is critical to a child's success in school and later in life. One of the best predictors of whether a child will function competently in school and go on to contribute actively in our increasingly literate society is the level to which the child progresses in reading and writing. Although reading and writing abilities continue to develop throughout the life span, the early childhood years—from birth through age eight—are the most important period for literacy development. It is for this reason that the International Reading Association (IRA) and NAEYC joined together to formulate a position statement regarding early literacy development.

We are pleased that this bipartisan legislation will expand young children's access to books and support parent involvement in early literacy. By making books more affordable and accessible to young children in Head Start, in child care settings, and in their homes, we can help them not only learn to read and write, but also foster and sustain their interest in reading for their own enjoyment, information, and communication.

Sincerely,

ADELE ROBINSON,
Director of Policy Development.

READING IS FUNDAMENTAL, INC.,
Washington, DC, May 23, 2000.

DEAR SENATOR: Reading Is Fundamental's Board of Directors and staff urge you to support the passage of the Kennedy-Hutchison Book Stamp Act to help bridge the literacy gap for the nation's youngest and most at-risk children.

Educators, researchers and practitioners in the literacy arena have increasing focused on the 0–5 age range as the key to helping the nation's neediest children enter school ready to read and learn. We know that focus and attention will give them a far better chance at succeeding in life than many of their parents and older siblings had.

At RIF, we have increased our focus on providing books and literacy enhancing programs and services in recent years and we are actively pursuing working relationships and partnerships with the childcare community. We have launched a pilot program to create effective training system, called Care to Read for childcare providers and other early childhood caregivers. That program is now ready to help these caregivers provide appropriate environmental and literacy enhancing experiences for children. We are anxious to engage with NACCRA in working out ways to link this training with the Book Stamp Act initiative and share RIF's resources to help make this program effective.

RIF now provides books and essential literacy services to nearly 1,000,000 children and we know the need is critical for significant infusions of books and services to help reduce illiteracy among this at-risk population. We urge your strong support.

Yours truly,

RICHARD E. SELLS,
Senior VP and Chief Operating Officer.●

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 1118

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1118, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

S. 1475

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1475, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1795

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1795, a bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Florida (Mr. GRAHAM) 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. 1874

At the request of Mr. GRAHAM, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1880

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1880, a bill to amend the

Public Health Service Act to improve the health of minority individuals.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1945

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1945, a bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes.

S. 1995

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1995, a bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors 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. 2029

At the request of Mr. FRIST, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2181

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

S. 2256

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2256, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2298

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2298, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2338

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2338, a bill to enhance the enforcement of gun violence laws.

S. 2357

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE) 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. 2365

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from

Washington (Mr. GORTON), the Senator from Delaware (Mr. BIDEN), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of 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.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Arizona (Mr. KYL), the Senator from Montana (Mr. BURNS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2419

At the request of Mr. JOHNSON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2447

At the request of Mr. WELLSTONE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2447, a bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields.

S. 2459

At the request of Mr. COVERDELL, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CLELAND), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2465

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2465, a bill to amend the Internal Revenue Code of 1986 to deny tax benefits for research conducted by pharmaceutical companies where United States consumers pay higher prices for the products of that research than consumers in certain other countries.

S. 2516

At the request of Mr. THURMOND, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2554

At the request of Mr. GREGG, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2554, a bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual.

S. 2596

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system.

S. 2599

At the request of Mr. ABRAHAM, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2599, a bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

S. CON. RES. 53

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Minnesota (Mr. GRAMS), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

S. CON. RES. 111

At the request of Mr. NICKLES, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. CON. RES. 113

At the request of Mr. MOYNIHAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. RES. 296

At the request of Mr. GRAHAM, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 296, a resolution designating the first Sunday in June of each calendar year as ''National Child's Day.''

SENATE CONCURRENT RESOLUTION 114—RECOGNIZING THE LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI, AS A NATIONAL WORLD WAR I SYMBOL HONORING THOSE WHO DEFENDED LIBERTY AND OUR COUNTRY THROUGH SERVICE IN WORLD WAR I

Mr. BOND (for himself, Mr. ASHCROFT, and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 114

Whereas over 4 million Americans served in World War I, however, there is no nationally recognized symbol honoring the service of such Americans;

Whereas in 1919, citizens of Kansas City expressed an outpouring of support, raising over $2,000,000 in 2 weeks, which was a fundraising accomplishment unparalleled by any other city in the United States irrespective of population;

Whereas on November 1, 1921, the monument site was dedicated marking the only time in history that the 5 Allied military leaders (Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain) were together at one place;

Whereas during a solemn ceremony on Armistice Day in 1924, President Calvin Coolidge marked the beginning of a 3-year construction project by the laying of the cornerstone of the Liberty Memorial;

Whereas the 217-foot Memorial Tower topped with 4 stone ''Guardian Spirits'' representing courage, honor, patriotism, and sacrifice, rises above the observation deck, making the Liberty Memorial a noble tribute to all who served;

Whereas during a rededication of the Liberty Memorial in 1961, former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed;

Whereas the Liberty Memorial is the only public museum in the United States specifically dedicated to the history of World War I; and

Whereas the Liberty Memorial is internationally known as a major center of World War I remembrance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Liberty Memorial in Kansas City, Missouri, is recognized as a national World War I symbol, honoring those who defended liberty and our country through service in World War I.

• Mr. BOND. Mr. President, today I come to the floor to submit a resolution recognizing the Liberty Memorial in Kansas City, Missouri as a national World War I symbol. I am pleased that Senator ASHCROFT and Senator ROBERTS are joining me as original cosponsors.

Fighting in the trenches in Europe, America's sons and daughters defended liberty and our country through service in World War One. We want to ensure that the sacrifices they made are

not forgotten. The Liberty Memorial serves as a long-standing tribute to their accomplishments.

More than 4 million Americans served in World War One, however, the Liberty Memorial is the only major memorial and museum honoring their courage and loyalty. It is important to me that these men and women have an appropriate national symbol; they deserve to be recognized and honored. The Liberty Memorial serves as a constant reminder of the patriotism and sacrifice that the War evoked, both to the people of Kansas City, and across the country.

In 1919, Kansas Citians expressed an unprecedented outpouring of support, raising $2.5 million in less than two weeks. Three years later the five Allied military leaders met in Kansas City, marking the only time in history all five leaders came togther at one place. The leaders from Belgium, Italy, France, Great Brittan and the United States looked on, as the site for the Liberty Memorial was dedicated. Since that historic occasion, many other great world leaders have addressed the public at the Liberty Memorial including: Presidents Calvin Coolidge, Harry S Truman, Dwight D. Eisenhower, and William Howard Taft.

The Liberty Memorial opened to the public in 1926. It is an amazing structure; the impressive size and design puts it in a class with monuments here on the National Mall. The Memorial Tower is 217-feet-tall. The four Guardian Spirits: Honor, Courage, Patriotism, and Sacrifice, encircle the top of the tower. This is a great, inspirational work of art that serves as an outstanding tribute to America's sons and daughters of World War I.

In addition to the Memorial Tower, there is a Liberty Memorial Museum located within the complex. This museum promotes and encourages a better understanding of the sacrifices and progress made during World War I. While the Memorial undergoes a major renovation project, the museum is currently closed to the public. Upon its reopening, visitors from around the world can come to Kansas City to view the finest collection of World War I memorabilia in the United States. These fascinating displays are arranged to give visitors insight into America's role in the First World War.

The Memorial's history, consistent local support and its location in the Heart of America, makes the Liberty Memorial an ideal national tribute to all Americans who fought in World War One. I am proud to have such a distinguished Memorial in my home state of Missouri.

Mr. President, I urge the Senate to pass this resolution in a timely fashion so that we can properly honor the veterans of World War One with a national monument, and recognize the significance of the Liberty Memorial.●

SENATE CONCURRENT RESOLUTION 115—PROVIDING FOR THE ACCEPTANCE OF A STATUE OF CHIEF WASHAKIE, PRESENTED BY THE PEOPLE OF WYOMING, FOR PLACEMENT IN NATIONAL STATUARY HALL, AND FOR OTHER PURPOSES

Mr. THOMAS (for himself and Mr. ENZI) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 115

Whereas Chief Washakie was a recognized leader of the Eastern Shoshone Tribe;

Whereas Chief Washakie contributed to the settlement of the west by allowing the Oregon and Mormon Trails to pass through Shoshone lands;

Whereas Chief Washakie, with his foresight and wisdom, chose the path of peace for his people;

Whereas Chief Washakie was a great leader who chose his alliances with other tribes and the United States Government thoughtfully; and

Whereas in recognition of his alliance and long service to the United States Government, Chief Washakie was the only chief to be awarded a full military funeral: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ACCEPTANCE OF STATUE OF CHIEF WASHAKIE FROM THE PEOPLE OF WYOMING FOR PLACEMENT IN NATIONAL STATUARY HALL.

(a) IN GENERAL.—The statue of Chief Washakie, furnished by the people of Wyoming for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Wyoming for providing this commemoration of one of Wyoming's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Wyoming is authorized to use the rotunda of the Capitol on September 7, 2000, at 11:00 a.m., for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such actions as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in National Statuary Hall.

SEC. 2. TRANSCRIPT OF PROCEEDINGS.

(a) IN GENERAL.—The transcript of proceedings of the ceremony held under section 1 shall be printed, under the direction of the Joint Committee on the Library, as a Senate document, with illustrations and suitable binding.

(b) PRINTED COPIES.—In addition to the usual number, there shall be printed 6,555 copies of the ceremony transcript, of which 105 copies shall be for the use of the Senate, 450 copies shall be for the use of the House of Representatives, 2,500 copies shall be for use of the Representative from Wyoming, and 3,500 copies shall be for the use of the Senators from Wyoming.

SEC. 3. TRANSMITTAL TO GOVERNOR OF WYOMING.

The Clerk of the Senate shall transmit a copy of this concurrent resolution to the Governor of Wyoming.

Mr. THOMAS. Mr. President, today I rise along with Senator ENZI to submit a concurrent resolution allowing for the placement of Wyoming's second statue in Statuary Hall.

As many individuals from Wyoming know, Chief Washakie was a true warrior and statesman. Chief Washakie was born in 1798 and actively participated in the cultural and historic events that shaped the West before passing away in 1900. The value of his life experiences—which span three separate centuries—still resonate in my home state today.

Chief Washakie, a skilled orator and charismatic figure, was widely known for his ability to foresee what the future held for his people. As Chief of the Shoshone tribe for fifty years, Washakie was successful in protecting the interests of his people in the face of westward expansion. In 1868, Chief Washakie was instrumental in the signing of the Fort Bridger treaty—which granted the Shoshone more than three million acres of land in the Warm Valley of the Wind on the Wind River reservation. His legacy lives on today as many of his descendants continue to be involved in tribal matters throughout Wyoming.

It is fitting that Wyoming has chosen Chief Washakie to be honored in our Nation's Capitol. This resolution not only speaks to his achievements but also commemorates the very spirit on which our great country was founded.

Mr. ENZI. Mr. President, I rise with my colleague Senator THOMAS to submit a resolution authorizing Congress to accept Wyoming's second statue for National Statuary Hall, a statue of the great Chief of the Eastern Shoshone Tribe, Chief Washakie. The entire nation owes Chief Washakie a great debt of gratitude for his assistance in allowing settlers to pass over his tribe's lands during the great Western migration and for advancing the cause of peace between the United States and Native American nations.

The exact birthdate of Chief Washakie is not known, but it is believed that he was born in 1804 to a Flathead father and a Shoshone mother who lived in a Flathead tribe village. That village was attacked by the Blackfeet tribe and Washakie's father was killed in the battle. Washakie's mother was taken in by the Lemhi tribe of the Shoshone and Washakie and his sister remained with the Lemhis when his mother and the rest of his family rejoined the Flatheads.

Washakie made his name as a successful warrior. He devised a large rattle from a dried buffalo hide that was inflated and filled with stones that he used to frighten the horses of rival tribes in battle. He also aligned his nation with the United States and served the United States Army as a scout. It was that service which earned him a funeral with full military honors upon his death in 1900. He was the only Native American leader to be accorded such an honor.

Washakie united the Shoshones to battle threats presented by hostile

tribes, such as the Cheyenne and the Sioux tribes. This brought him to the attention of the United States Government and white men as someone they could do business with. He was a friend of many of the fur trappers who worked in Wyoming and his assistance with the other Native American tribes was invaluable. He also offered protection to wagon trains making their way across Wyoming. Chief Washakie sent members of his tribe to the Little Bighorn to reinforce Custer's troops during the battle, but were too late to prevent the massacre that took place.

Chief Washakie recognized that the white man could be a benefit to the Shoshone tribes. His forward thinking nature ensured that the Shoshone tribe received their current home as a reservation and was not required to relocate to an unfamiliar area. The Wind River Reservation in Western Wyoming is still home to the Eastern Shoshone tribe.

Wyoming has recognized Chief Washakie as one of our state's most notable citizens by granting him a very unique honor, the placement of a statue of him in the United States Capitol. He joins Esther Hobart Morris, the first female Justice of Peace in the nation and the woman who started the movement that led the Wyoming Territorial Legislature to grant women the right to vote in 1869. Chief Washakie also joins such esteemed company as patriots Samuel Adams and Ethan Allen, Senator John Calhoun and Henry Clay, and Presidents George Washington and Andrew Jackson to name just a few of the notable Americans with a place of honor in the Capitol. Congress extends its thanks to the people of Wyoming for providing the nation with this statue of one of our most important figures, Chief Washakie of the Shoshone Nation.

SENATE CONCURRENT RESOLUTION 116—COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. LOTT (for himself, Mr. DASCHLE, Mr. HELMS, Mr. BIDEN, Mr. GRAHAM, Mr. BAUCUS, Mr. HARKIN, Mr. JOHNSON, Mr. DODD, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CONRAD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 116

Whereas Israel has been actively seeking a comprehensive peace with all of her neighbors to bring about an end to the Arab-Israeli conflict;

Whereas southern Lebanon has for decades been the staging area for attacks against Israeli cities and towns by Hezbollah and by Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians;

Whereas United Nations Security Council Resolution 425 (March 19, 1978) calls upon Israel to withdraw its forces from all Lebanese territory;

Whereas the Government of Israel unanimously agreed to implement Security Council Resolution 425 and has stated its intention of redeploying its forces to the international border by July 7, 2000;

Whereas Security Council Resolution 425 also calls for ''strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries'' and establishes a United Nations interim force to help restore Lebanese sovereignty; and

Whereas the Government of Syria currently deploys 30,000 Syrian troops in Lebanon: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends Israel for its decision to withdraw its forces from southern Lebanon and for taking risks for peace in the Middle East;

(2) calls upon the United Nations Security Council—

(A) to recognize Israel's fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations Interim Force in Lebanon (UNIFIL) to implement its mandate under that resolution; and

(B) to insist upon the withdrawal of all foreign forces from Lebanese territory so that Lebanon may exercise sovereignty throughout its territory;

(3) urges UNIFIL, in cooperation with the Lebanese Armed Forces, to gain full control over southern Lebanon, including taking actions to ensure the disarmament of Hezbollah and all other such groups, in order to eliminate all terrorist activity originating from that area;

(4) appeals to the Government of Lebanon to grant clemency and assure the safety and rehabilitation into Lebanese society of all members of the South Lebanon Army and their families;

(5) calls upon the international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon;

(6) recognizes Israel's right, enshrined in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its people from attack and reasserts United States support for maintaining Israel's qualitative military edge in order to ensure Israel's long-term security; and

(7) urges all parties to reenter the peace process with the Government of Israel in order to bring peace and stability to all the Middle East.

SENATE RESOLUTION 309—EXPRESSING THE SENSE OF THE SENATE REGARDING CONDITIONS IN LAOS

Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. KOHL, Mr. WELLSTONE, Mrs. FEINSTEIN, and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 309

Whereas Laos was devastated by civil war from 1955 to 1974;

Whereas the people of Laos have lived under the authoritarian, one-party government of the Lao People's Revolutionary Party since the overthrow of the existing Royal Lao government in 1975;

Whereas the communist government of the Lao People's Democratic Republic sharply curtails basic human rights, including freedom of speech, assembly, association, and religion;

Whereas political dissent is not allowed in Laos and those who express their political will are severely punished;

Whereas the Lao constitution protects freedom of religion but the Government of Laos in practice restricts this right;

Whereas Laos is not a signatory of the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights;

Whereas Laos is a party to international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

Whereas the 1999 State Department Report on Human Rights Practices in Laos finds that ''societal discrimination against women and minorities persist'';

Whereas the State Department's report also finds that the Lao government ''discriminates in its treatment of prisoners'' and uses ''degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners'';

Whereas two American citizens, Houa Ly and Michael Vang, were last seen on the border between Laos and Thailand in April 1999 and may be in Laos; and

Whereas many Americans of Hmong and Lao descent are deeply troubled by the conditions in Laos: Now, therefore, be it

Resolved, That the Senate calls on the Government of the Lao People's Democratic Republic to—

(1) respect the basic human rights of all of its citizens, including freedom of speech, assembly, association, and religion;

(2) ratify the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(3) fulfill its obligations under the international human rights treaties to which it is a party, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

(4) take demonstrable steps to ensure that Hmong and other ethnic minorities who have been returned to Laos from Thailand and elsewhere in Southeast Asia are—

(A) accepted into Lao society on an equal par with other Lao citizens;

(B) allowed to practice freely their ethnic and religious traditions and to preserve their language and culture without threat of fear or intimidation; and

(C) afforded the same educational, economic, and professional opportunities as other residents of Laos;

(5) allow international humanitarian organizations, including the International Red Cross, to gain unrestricted access to areas in which Hmong and other ethnic minorities have been resettled;

(6) allow independent monitoring of prison conditions;

(7) release from prison those who have been arbitrarily arrested on the basis of their political or religious beliefs; and

(8) cooperate fully with the United States Government in the ongoing investigation into the whereabouts of Houa Ly and Michael Vang, two United States citizens who were last seen near the border between Laos and Thailand in April 1999.

SENATE RESOLUTION 310—HONORING THE 19 MEMBERS OF THE UNITED STATES MARINE CORPS WHO DIED ON APRIL 8, 2000, AND EXTENDING THE CONDOLENCES OF THE SENATE ON THEIR DEATHS

Ms. SNOWE (for herself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. ROBB, Mr. SMITH of New Hampshire, Mr. REED, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Mr. ROBERTS,

Mr. HUTCHINSON, and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Whereas on April 8, 2000, an MV–22 Osprey aircraft crashed during a training mission in support of Operational Evaluation in Marana, Arizona, killing all 19 members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these magnificent Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this tremendous loss will resonate through the 3d Battalion, 5th Marine Regiment, 1st Marine Division, Marine Helicopter Squadron–1, and Marine Wing Communications Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas.

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron–1, of California, Maryland.

(3) Private First Class Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Antonio, Texas.

(5) Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzalez Sanchez, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.

(7) Major Brooks S. Gruber, 34, a pilot assigned to Marine Helicopter Squadron–1, of Jacksonville, North Carolina.

(8) Lance Corporal Seth G. Jones, 18, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) 2d Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Keith, 22, an aircraft crew chief assigned to Marine Helicopter Squadron–1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Communications Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Winthrop, Washington.

(14) Staff Sergeant William B. Nelson, 30, a satellite communications specialist with Marine Air Control Group 38, of Richmond, Virginia.

(15) Private First Class Kenneth O. Paddio, 23, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Houston, Texas.

(16) Private First Class George P. Santos, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Long Beach, California.

(17) Private First Class Keoki P. Santos, 24, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Grand Ronde, Oregon.

(18) Corporal Can Soler, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Palm City, Florida.

(19) Private Adam L. Tatro, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Kermit, Texas: Now, therefore, be it

Resolved, That the Senate—

(1) has learned with profound sorrow of the deaths of 19 members of the United States Marine Corps in the crash of an MV–22 Osprey aircraft on April 8, 2000, during a training mission in Marana, Arizona, and extends condolences to the families of these 19 members of the United States Marine Corps;

(2) acknowledges that these 19 members of the United States Marine Corps embody the credo of the United States Marine Corps, ''Semper Fidelis'';

(3) expresses its profound gratitude to these 19 members of the United States Marine Corps for the dedicated and honorable service they rendered to the United States and the United States Marine Corps; and

(4) recognizes with appreciation and respect the loyalty and sacrifice these families have demonstrated in support of the United States Marine Corps.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Commandant of the United States Marine Corps and to the families of each member of the United States Marine Corps who was killed in the accident referred to in the first section of this resolution.

SENATE RESOLUTION 311—TO EXPRESS THE SENSE OF THE SENATE REGARDING FEDERAL PROCUREMENT OPPORTUNITIES FOR WOMEN-OWNED SMALL BUSINESSES

Mr. BOND (for himself, Mr. KERRY, Mr. ABRAHAM, Mr. BURNS, Ms. SNOWE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 311

Whereas women-owned small businesses are the fastest growing segment of the business community in the United States;

Whereas women-owned small businesses will make up more than one-half of all business in the United States by the year 2010;

Whereas in 1994, the Congress enacted the Federal Acquisition Streamlining Act of 1994, establishing a Government-wide goal for small businesses owned and controlled by women of not less than 5 percent of the total dollar value of all prime contracts and subcontract awards for each fiscal year;

Whereas the Congress intended that the departments and agencies of the Federal Government make a concerted effort to move toward that goal;

Whereas in fiscal year 1999, the departments and agencies of the Federal Government awarded prime contracts totaling 2.4 percent of the total dollar value of all prime contracts; and

Whereas in each fiscal year since enactment of the Federal Acquisition Streamlining Act of 1994, the Federal departments and agencies have failed to reach the 5 percent procurement goal for women-owned small businesses: Now, therefore, be it

Resolved, That—

(1) the Senate strongly urges the President to adopt a policy in support of the 5 percent procurement goal for women-owned small businesses, and to encourage the heads of the Federal departments and agencies to undertake a concerted effort to meet the 5 percent goal before the end of fiscal year 2000; and

(2) the President should hold the heads of the Federal departments and agencies accountable to ensure that the 5 percent goal is achieved during fiscal year 2000.

SENATE RESOLUTION 312—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN STATE OF INDIANA V. AMY HAN

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas, in the case of State of Indiana v. Amy Han, C. No. 99–148243, pending in the Indiana Superior Court of Marion County, Criminal Division, testimony has been requested from Lesley Reser and Lane Ralph, employees in the office of Senator Richard Lugar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Lesley Reser and Lane Ralph, and any other employee of Senator Lugar's office from whom testimony may be required, are authorized to testify and produce documents in the case of State of Indiana v. Amy Han, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Lesley Reser, Lane Ralph, and any other employee of Senator Lugar's office in connection with the testimony and document production authorized in section one of this resolution.

SENATE RESOLUTION 313—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN HAROLD A. JOHNSON V. MAX CLELAND, ET AL.

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas, Senator Max Cleland has been named as a defendant in the case of Harold A. Johnson v. Max Cleland, et al., Case No. 2000CV22443, now pending in the Superior Court of Fulton County, Georgia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this oversight hearing is to review the final rules and regulations issued by the National Park Service relating to Title IV of the National Parks Omnibus Management Act of 1998.

The hearing will take place on Thursday, June 8 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 244–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, at 9:30 a.m., in open and closed session to receive testimony on U.S. Strategic Nuclear Force requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building to hold a hearing entitled ''IRS Restructuring: A New Era for Small Business.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, to conduct a hearing on ''consolidation of HUD's homeless assistance programs.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Tuesday, May 23, at 10 a.m., to receive testimony on the administration's Water Resources Development Act of 2000 proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MCCONNELL. 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 Tuesday, May 23 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent Christyne Bourne, a legal intern for the Rules Committee, be permitted to have access to the floor during the debate on the FEC nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Tom McCormick, a legal intern on my staff, be granted floor privileges during the duration of the debate on the nominations that we are considering today and tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 2299

Mr. ALLARD. Mr. President, I ask unanimous consent that S. 2299 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 116, submitted earlier by Senator LOTT and others.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 116) commending Israel's redeployment from southern Lebanon.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ALLARD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 116) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 116

Whereas Israel has been actively seeking a comprehensive peace with all of her neighbors to bring about an end to the Arab-Israeli conflict;

Whereas southern Lebanon has for decades been the staging area for attacks against Israeli cities and towns by Hezbollah and by Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians;

Whereas United Nations Security Council Resolution 425 (March 19, 1978) calls upon Israel to withdraw its forces from all Lebanese territory;

Whereas the Government of Israel unanimously agreed to implement Security Council Resolution 425 and has stated its intention of redeploying its forces to the international border by July 7, 2000;

Whereas Security Council Resolution 425 also calls for ''strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries'' and establishes a United Nations interim force to help restore Lebanese sovereignty; and

Whereas the Government of Syria currently deploys 30,000 Syrian troops in Lebanon: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends Israel for its decision to withdraw its forces from southern Lebanon and for taking risks for peace in the Middle East;

(2) calls upon the United Nations Security Council—

(A) to recognize Israel's fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations Interim Force in Lebanon (UNIFIL) to implement its mandate under that resolution; and

(B) to insist upon the withdrawal of all foreign forces from Lebanese territory so that Lebanon may exercise sovereignty throughout its territory;

(3) urges UNIFIL, in cooperation with the Lebanese Armed Forces, to gain full control over southern Lebanon, including taking actions to ensure the disarmament of Hezbollah and all other such groups, in order to eliminate all terrorist activity originating from that area;

(4) appeals to the Government of Lebanon to grant clemency and assure the safety and rehabilitation into Lebanese society of all

members of the South Lebanon Army and their families;

(5) calls upon the international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon;

(6) recognizes Israel's right, enshrined in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its people from attack and reasserts United States support for maintaining Israel's qualitative military edge in order to ensure Israel's long-term security; and

(7) urges all parties to reenter the peace process with the Government of Israel in order to bring peace and stability to all the Middle East.

HONORING NINETEEN MARINES AND EXTENDING CONDOLENCES OF THE SENATE ON THEIR DEATHS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 310, submitted earlier by Senator SNOWE, for herself and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) honoring the 19 members of the United States Marine Corps who died on April 8, 2000, and extending the condolences of the Senate on their deaths.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise to speak on a resolution honoring the 19 Marines who died on April 8, 2000 during a training mission in Marana, AZ, and extending the condolences of the Senate to their families and the Marine Corps.

I thank Senators WARNER and LEVIN, and the 13 other Senators—from both sides of the aisle on the Armed Services Committee—for joining me in bipartisan support of this resolution.

At approximately 8 p.m. on Saturday, April 8, while conducting training as part of the weapons and tactics instructor course, during an operational evaluation of the MV–22 Osprey, the aircraft unexpectedly plunged to the ground during landing, killing all 19 marines on board.

Their deaths stunned the Nation. Among those who died were fathers, husbands, boyfriends, brothers, grandsons, nephews, uncles, and friends. These dedicated men were from Texas, Maryland, Oklahoma, California, North Carolina, Oregon, South Carolina, Arizona, Washington, Virginia, and Florida but were bound together in the brotherhood of arms known as the United States Marine Corps.

Since it was first established through a resolution by the Continental Congress on November 10, 1775, the United States Marine Corps has been defined by the fearless and indomitable spirit of those who have served. Sharing an enviable ''esprit de corps,'' marines have used the Marine Corps emblem of the eagle, globe, and anchor to transcend race, ethnicity, gender, geographic and economic background. Their tenacity, uncompromising will, and outspoken pride in being a marine have endeared them to the nation, and we, as a nation, grieve their loss.

Nowhere is this loss felt more deeply than by the families of these men. I thank them for their unrelenting support and sacrifice that they have made to their marine, to the Marine Corps, and to their Nation, and offer my sympathy for their loss. I also recognize the Marine Corps family—specifically the 3d Battalion, 5th Marine Regiment, 1st Marine Division, the Marine Helicopter Squadron–1, and the Marine Wing Communications Squadron 38, Marine Air Control Group 38—who served side by side with these marines and will continue to carry out the mission without them.

This tragic accident is a brutal reminder that there is no such thing as ''routine'' training for our men and women in the military. Every day, all around the world our armed forces risk their lives, in peace and in combat, to support and defend our great Nation, and they deserve our thanks and admiration.

Mr. President, this resolution recognizes the sacrifices of these magnificent 19 marines and their families who embody the Marine Corps credo ''Semper Fidelis'' always faithful. It is the opportunity for the Senate to publically thank their families and the Marine Corps for their dedication, loyalty, and sacrifice to our Nation, and to extend our condolences on this loss.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 310

Whereas on April 8, 2000, an MV–22 Osprey aircraft crashed during a training mission in support of Operational Evaluation in Marana, Arizona, killing all 19 members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these magnificent Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this tremendous loss will resonate through the 3d Battalion, 5th Marine Regiment, 1st Marine Division, Marine Helicopter Squadron–1, and Marine Wing Communications Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas.

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron–1, of California, Maryland.

(3) Private First Class Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Antonio, Texas.

(5) Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzalez Sanchez, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.

(7) Major Brooks S. Gruber, 34, a pilot assigned to Marine Helicopter Squadron–1, of Jacksonville, North Carolina.

(8) Lance Corporal Seth G. Jones, 18, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) 2d Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Keith, 22, an aircraft crew chief assigned to Marine Helicopter Squadron–1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Communications Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Winthrop, Washington.

(14) Staff Sergeant William B. Nelson, 30, a satellite communications specialist with Marine Air Control Group 38, of Richmond, Virginia.

(15) Private First Class Kenneth O. Paddio, 23, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Houston, Texas.

(16) Private First Class George P. Santos, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Long Beach, California.

(17) Private First Class Keoki P. Santos, 24, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Grand Ronde, Oregon.

(18) Corporal Can Soler, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Palm City, Florida.

(19) Private Adam L. Tatro, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Kermit, Texas: Now, therefore, be it

Resolved, That the Senate—

(1) has learned with profound sorrow of the deaths of 19 members of the United States Marine Corps in the crash of an MV–22 Osprey aircraft on April 8, 2000, during a training mission in Marana, Arizona, and extends condolences to the families of these 19 members of the United States Marine Corps;

(2) acknowledges that these 19 members of the United States Marine Corps embody the

credo of the United States Marine Corps, ''Semper Fidelis'';

(3) expresses its profound gratitude to these 19 members of the United States Marine Corps for the dedicated and honorable service they rendered to the United States and the United States Marine Corps; and

(4) recognizes with appreciation and respect the loyalty and sacrifice these families have demonstrated in support of the United States Marine Corps.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Commandant of the United States Marine Corps and to the families of each member of the United States Marine Corps who was killed in the accident referred to in the first section of this resolution.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 106–25 THROUGH 106–31

Mr. ALLARD. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on May 23, 2000, by the President of the United States: Investment Treaty with Bahrain (Treaty Document No. 106–25); Investment Treaty with Bolivia (Treaty Document No. 106–26); Investment Treaty with Honduras (Treaty Document No. 106–27); Investment Treaty with El Salvador (Treaty Document No. 106–28); Investment Treaty with Croatia (Treaty Document No. 106–29); Investment Treaty with Jordan (Treaty Document No. 106–30); Investment Treaty with Mozambique (Treaty Document No. 106–31).

Further, I ask unanimous consent that the treaties be considered as having been read for the first time, that they be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view of receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on September 29, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Bahrain is the third such treaty between the United States and a Middle Eastern country. The Treaty will protect U.S. investment and assist Bahrain in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Santiago, Chile, on April 17, 1998, during the Second Presidential Summit of the Americas. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Bolivia is the sixth such treaty between the United States and a Central or South American country. The Treaty will protect U.S. investment and assist Bolivia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Honduras is the fourth such Treaty with a Central or South American country. The Treaty will protect U.S. investment and assist Honduras in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at San Salvador on March 10, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with El Salvador is the seventh such treaty with a Central or South American country. The Treaty will protect U.S. investment and assist El Salvador in its efforts to develop its

economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Bilateral Investment Treaty (BIT) with Croatia was the fourth such treaty between the United States and a Southeastern European country. The Treaty will protect U.S. investment and assist Croatia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Jordan was the second such treaty between the United States and a country in the Middle East. The Treaty will protect U.S. investment and assist Jordan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on December 1, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Mozambique is the first such treaty between the United States and a country in Southern Africa. The Treaty will protect U.S. investment and assist Mozambique in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000*.

FEDERAL PROCUREMENT OPPORTUNITIES FOR WOMEN-OWNED BUSINESSES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 311, submitted earlier by Senator BOND and Senator KERRY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 311) to express the sense of the Senate regarding Federal procurement opportunities for women-owned small businesses.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOND. Mr. President, I rise in support of the Senate Resolution I introduce today which calls attention to the Federal Government's failure to meet the statutory goal to award 5 percent of Federal contract dollars to women-owned small businesses. I am very pleased that members of the Senate Committee on Small Business have cosponsored this Resolution, including the committee's ranking member, Senator KERRY, Senator BURNS, Senator SNOWE, Senator LANDRIEU, Senator LIEBERMAN, Senator EDWARDS and Senator ABRAHAM, who authored last year's initiative in the committee to help women reach the 5-percent goal. In addition, Senators BINGAMAN and MURRAY have joined us as cosponsors of the resolution.

This is Small Business Week 2000. It is very appropriate that we recognize the important roles played of women-owned small businesses in our Nation's

economy and communities. The number of small businesses owned and controlled by women is expanding at a very rapid rate, and today, they total 38 percent of all businesses in the United States. Importantly, their numbers are expanding at such a pace that it is anticipated women-owned small businesses will make up over 50 percent of all businesses by 2010. That is an astounding statistic.

In 1994, Congress recognized the important role women-owned small businesses play in our economy. During the consideration of the Federal Acquisition Streamlining Act, FASA, the Senate approved a provision directing that 5 percent of all Federal procurement dollars be awarded each year to women-owned small businesses. The goal includes 5 percent of prime contract dollars and 5 percent of subcontract dollars and was included in the final FASA Conference Report and enacted into law.

The Federal departments and agencies have failed to meet the 5 percent goal since it was enacted by Congress in 1994. After Senator ABRAHAM chaired a committee field hearing in Michigan on the state of women business owners, he offered an amendment addressing the failure of the Federal departments and agencies to meet the 5 percent goal during the Committee on Small Business markup of the ''Women's Business Centers Sustainability Act of 1999,'' S. 791. The amendment was adopted unanimously by the Committee and enacted into law, Public Law 106–165. It directed the General Accounting Office to undertake an audit of the Federal procurement system and its impact on women-owned small businesses, which is underway at this time.

The statistics for Federal procurement for FY 1999 have been released. Again, the 5 percent goal for women-owned small businesses was not met—and again the Federal departments and agencies fell over 50 percent short of the goal—reaching only 2.4 percent. The failure of the Administration to meet this goal, which is designed to produce opportunities for start-up and growing small, women-owned businesses, is disturbing. Over 5 years have passed since the enactment of FASA, and the Federal Government continues to respond by taking baby steps toward meeting this Congressionally-mandated goal.

The resolution before the Senate today urges the President to adopt an administration policy in support of the 5-percent goal. Further, the resolution urges the President to go to the heart of the problem—to those Federal departments and agencies that are not carrying their share of the burden in meeting the goal. Specifically, the resolution asks the President to hold the head of each department and agency accountable for meeting the 5-percent goal.

Is it asking too much to require cabinet secretaries and agency heads to work harder to comply with a statutory goal? Of course not. It's all a matter of priorities. And I think supporting women-owned business should and must be a priority for each and every cabinet secretary and agency head. In other words, we are demanding performance not promises.

Were it not for the growth of the small business community over the past decade, our economy would not be its booming self. Women-owned small businesses have contributed significantly to our economic strength and stability. We need to help stimulate this growth to strengthen further the foundation of our business success. The 5 percent Federal procurement goal is a significant component to help women-owned business to start-up and flourish.

We should not lose sight of the fact that our laws are not keeping up with the new realities of business, particularly for women-owned businesses, who are heating up the economy. We need to be ever vigilant and remain alert to changes in the business climate so that laws and government policies are relevant and helpful. We in Congress should be prepared to jettison antiquated laws. And we need to recognize that occasionally the best government policy will be to step aside to avoid hindering progress and growth.

Future Congresses and Administrations will have a tremendous impact on the success of women-owned businesses. That is why I am joining with Senators KERRY, OLYMPIA SNOWE, MARY LANDRIEU, DIANNE FEINSTEIN, and KAY BAILEY HUTCHISON to convene a National Women's Business Summit on June 4–5, 2000, in Kansas City, Missouri. The summit will give women small business owners the opportunity to help formulate national policies on women's small business issues by gathering input from women business leaders, elected officials and other experts. Results and recommendations from this summit will be communicated directly to the Congress. More information about the summit can be found on my Senate office Web site at www.senate.gov/bond.

As we begin Small Business Week, I hope my colleagues in the Senate will take a moment and recognize the important role small businesses play in our economy. And I urge them to reinforce their support for the 5-percent Federal procurement goal and women-owned small businesses by voting in favor of the Senate resolution.

Mr. KERRY. Mr. President, women-owned businesses have scored a double victory today. President Clinton and a bi-partisan coalition of Senators have unveiled separate but complementary national policies to increase procurement opportunities for businesses owned by women.

Though on its face Federal procurement may not sound like an important issue to the general public, or even a term that many recognize, it is one of the most lucrative, yet difficult, markets for small businesses to access, particularly those owned by women and under-represented minorities. For example, in 1999, women-owned businesses made up 38 percent of all businesses but received only 2.4 percent of the $189 billion in Federal prime contracts. We can do better. And, before we enact new laws, we should promote and enforce the ones we have.

First, I want to offer my strong support and sincere compliments to President Clinton for signing an executive order today that reaffirms and strengthens the executive branch's commitment to meeting the five-percent procurement goal for women-owned businesses. His staff has worked for months with the Small Business Administration, SBA, the National Women's Business Council, the Women's Coalition for Access to Procurement, Women First, Women's Construction Owners and Executives, and the Women's Business Enterprise National Council to draft a feasible plan to help Federal agencies and departments increase the number of contracts awarded to businesses owned by women. Announcing that plan this afternoon is timely.

Today I join my colleague Senator BOND to introduce a resolution that encourages the President to adopt a policy that reinforces and enforces a procurement law Congress passed in 1994. That law, the Federal Acquisition Streamlining Act, established a government-wide goal for all heads of Federal departments and agencies to award five percent of their prime and subcontracts to women-owned businesses. First, this resolution asks the President to adopt a policy that supports the law and encourages agencies and departments to meet the goal. Second, this resolution asks the President to reinforce the law by holding the heads of agencies and departments accountable for meeting the five-percent goal.

I believe the President's executive order goes beyond the Senate's request and establishes a strong system within the Federal Government for increasing the number of contracts that go to women-owned businesses. I think it is very smart to hire an Assistant Administrator for Women's Procurement within the SBA's Office of Government Contracting. Increasing opportunities for women-owned businesses is a full-time job and devoting staff to this area is good use of resources.

I also think it is good policy for the Assistant Administrator to evaluate the agencies' contracting records on a semi-annual basis. This has two benefits. One, it encourages the procurement offices to run their operations like good small businesses. If you ask, most business owners will tell you that a key to running a successful business is having a solid business plan and regularly measuring your costs against revenues and projecting adequate inventory or staff to meet the demands of your products or services. I think it is a very good idea for contracting officers to do the same. Two, this policy

allows the SBA to work with an agency that is not meeting its goal midway through the year rather than finding out at the end of the year when it is too late.

Lastly, I like the Administration's plan because it takes a holistic approach to procurement. Rather than just focusing on the agencies and departments, it requires the Assistant Administrator to organize training and development seminars that teach women entrepreneurs about the complex world of Federal procurement and the SBA's procurement programs. It will be much easier for women-owned businesses to compete for Federal contracts if they understand the process and how to find out about opportunities.

I think it is important to note that while the government as a whole is not contracting as it should with women-owned firms, there are some outstanding exceptions. Some Federal agencies have taken the lead in working with women owned firms, and should be congratulated. According to the Federal Procurement Data System, the Department of Housing and Urban Development, the Consumer Product Safety Commission, the Federal Mine Safety & Health Review Commission, the Nuclear Regulatory Commission, and the Small Business Administration have all not only met the five percent goal, but have come in at around fifteen percent or better. That is three times the goal set by Congress.

These Federal agencies know that working with women-owned firms is not simply an altruistic exercise. These firms are strong, dependable and do good work. These firms provide a solid service to their customer, and the Federal contracting officers know it. In total, 20 Federal agencies either met or exceeded the five percent goal.

Therefore, we know that it is indeed possible for Government agencies to meet the five percent goal. With this resolution, it is our hope that agencies will work harder, following the examples of the agencies I discussed earlier, to contract with women-owned firms.

I've supported many initiatives over the years to increase resources and opportunities for businesses owned by women. Most recently, I supported Senator LANDRIEU's legislation to reauthorize the National Women's Business Council for 3 years, and to increase the annual appropriation from $600,000 to $1 million. Part of that increase will be used to assist Federal agencies meet the five-percent procurement goal for women-owned businesses. The Council has provided great leadership in this area, making increased contracting opportunities a priority since it was created in 1988, and earned praise from Democrats and Republicans for two extensive procurement studies it published in 1998 and 1999. The first study tracked 11 years of Federal contracting so that we have measurable data, and the second study identified and analyzed public and private sector practices that have been successful in increasing contracting opportunities for women business owners. The additional resources will allow the Council to build on that study and put the information to good use, ultimately increasing competitive contracting opportunities for businesses owned by women.

In addition to supporting reauthorization of the National Women's Business Council, last year I introduced the Women's Business Centers Sustainability Act of 1999. Now public law, that legislation is helping Centers address the funding constraints that have been making it increasingly difficult for them to sustain the level of services they provide after they graduate from the Women's Business Centers program and no longer receive federal matching funds. It is important to note that SBA requires Women's Business Centers to provide procurement training.

As part of that bill, we passed an amendment addressing Federal procurement opportunities for women-owned small businesses. The amendment expressed the sense of the Senate that the General Accounting Office should conduct an audit on the federal procurement system for the preceding three years. Unlike the Council's previous studies and reports that focused on data and best practices, this report was to focus on why the agencies haven't met the congressionally mandated five-percent procurement goal for small businesses owned by women.

Mr. President, the Federal agencies have begun to make progress since Congress enacted the five-percent procurement goal, but I want the contracting managers to remember that this goal is a minimum, not a maximum. Out of the more than 9 million businesses owned by women in this country, I believe that the Federal Government can find ones that are qualified and reliable, with good products and services, to fill their contracts if they make it a priority.

I believe that the President's Executive Order establishes a strong system within the Federal Government for increasing the number of contracts that go to women-owned businesses, and I look forward to seeing the Federal departments and agencies meet the five-percent goal this year, as the Senate resolution emphasizes.

I ask unanimous consent that this statement and a copy of the Executive Order be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER

INCREASING OPPORTUNITIES FOR WOMEN-OWNED SMALL BUSINESSES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Small Business Act, 15 U.S.C. 631, et seq., section 7106 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), and the Office of Federal Procurement Policy, 41 U.S.C. 403, et seq., and in order to strengthen the executive branch's commitment to increased opportunities for women-owned small businesses, it is hereby ordered as follows:

Section 1. Executive Branch Policy. In order to reaffirm and strengthen the statutory policy contained in the Small Business Act, 15 U.S.C. 644(g)(1), it shall be the policy of the executive branch to take the steps necessary to meet or exceed the 5 percent Government-wide goal for participation in procurement by women-owned small businesses (WOSBs). Further, the executive branch shall implement this policy by establishing a participation goal for WOSBs of not less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than 5 percent of the total value of all subcontract awards for each fiscal year.

Sec. 2. Responsibilities of Federal Departments and Agencies. Each department and agency (hereafter referred to collectively as ''agency'') that has procurement authority shall develop a long-term comprehensive strategy to expand opportunities for WOSBs. Where feasible and consistent with the effective and efficient performance of its mission, each agency shall establish a goal of achieving a participation rate for WOSBs of not less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than 5 percent of the total value of all subcontract awards for each fiscal year. The agency's plans shall include, where appropriate, methods and programs as set forth in section 4 of this order.

Sec. 3. Responsibilities of the Small Business Administration. The Small Business Administration (SBA) shall establish an Assistant Administrator for Women's Procurement within the SBA's Office of Government Contracting. This officer shall be responsible for:

(a) working with each agency to develop and implement policies to achieve the participation goals for WOSBs for the executive branch and individual agencies;

(b) advising agencies on how to implement strategies that will increase the participation of WOSBs in Federal procurement;

(c) evaluating, on a semiannual basis, using the Federal Procurement Data System (FPDS), the achievement of prime and subcontract goals and actual prime and subcontract awards to WOSBs for each agency;

(d) preparing a report, which shall be submitted by the Administrator of the SBA to the President, through the Interagency Committee on Women's Business Enterprise and the Office of Federal Procurement Policy (OFPP), on findings based on the FPDS, regarding prime contracts and subcontracts awarded to WOSBs;

(e) making recommendations and working with Federal agencies to expand participation rates for WOSBs, with a particular emphasis on agencies in which the participation rate for these businesses in less than 5 percent;

(f) providing a program of training and development seminars and conferences to instruct women on how to participate in the SBA's 8(a) program, the Small Disadvantaged Business (SDB) program, the HUBZone program, and other small business contracting programs for which they may be eligible;

(g) developing and implementing a single uniform Federal Government-wide website, which provides links to other websites within the Federal system concerning acquisition, small businesses, and women-owned businesses, and which provides current procurement information for WOSBs and other small businesses;

(h) developing an interactive electronic commerce database that allows small businesses to register their businesses and capabilities as potential contractors for Federal agencies, and enables contracting officers to

identify and locate potential contractors; and

(i) working with existing women-owned business organizations, State and local governments, and others in order to promote the sharing of information and the development of more uniform State and local standards for WOSBs that reduce the burden on these firms in competing for procurement opportunities.

Sec. 4. Other Responsibilities of Federal Agencies. To the extent permitted by law, each Federal agency shall work with the SBA to ensure maximum participation of WOSBs in the procurement process by taking the following steps:

(a) designating a senior acquisition official who will work with the SBA to identify and promote contracting opportunities for WOSBs;

(b) requiring contracting officers, to the maximum extent practicable, to include WOSBs in competitive acquisitions;

(c) prescribing procedures to ensure that acquisition planners, to the maximum extent practicable, structure acquisitions to facilitate competition by and among small businesses, HUBZone small businesses, SDBs, and WOSBs, and providing guidance on structuring acquisitions, including, but not limited to, those expected to result in multiple award contracts, in order to facilitate competition by and among these groups;

(d) implementing mentor-protege programs, which include women-owned small business firms; and

(e) offering industry-wide as well as industry-specific outreach, training, and technical assistance programs for WOSBs including, where appropriate, the use of Government acquisitions forecasts, in order to assist WOSBs in developing their products, skills, business planning practices, and marketing techniques.

Sec. 5. Subcontracting Plans. The head of each Federal agency, or designated representative, shall work closely with the SBA, OFPP, and others to develop procedures to increase compliance by prime contractors with subcontracting plans proposed under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) or section 834 of Public Law 101–189, as amended (15 U.S.C. 637 note), including subcontracting plans involving WOSBs.

Sec. 6. Action Plans. If a Federal agency fails to meet its annual goals in expanding contract opportunities for WOSBs, it shall work with the SBA to develop an action plan to increase the likelihood that participation goals will be met or exceeded in future years.

Sec. 7. Compliance. Independent agencies are requested to comply with the provisions of this order.

Sec. 8. Consultation and Advice. In developing the long-term comprehensive strategies required by section 2 of this order, Federal agencies shall consult with, and seek information and advice from, State and local governments, WOSBs, other private-sector partners, and other experts.

Sec. 9. Judicial Review. This order is for internal management purposes for the Federal Government. It does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any other person.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000.*

Mr. ABRAHAM. Mr. President, today I join my colleagues from the Senate Small Business Committee, Chairman KIT BOND and Ranking Member JOHN KERRY, in support of increased involvement of women-owned small businesses in the Federal procurement process.

I have had the opportunity to speak with many women business leaders in Michigan on this matter, and the general opinion is that there are certain doors that are closed to women business owners. In a field hearing I held in Michigan last summer on issues to women in business, I found that many times women business owners face the same problems as men in the private sector. However, when looking at the representation of women in terms of federal procurement dollars, the difference is striking.

Six years after posting a modest five-percent goal of Federal procurement dollars for women-owned small businesses, Federal departments and agencies have fallen far short. Last year, only 2.4 percent of the total dollar value of all Federal prime contracts went to women business owners. This shortfall is staggering when taking into account that women-owned small businesses are the fastest growing segment of the business community in the United States. In fact, by the year 2010, women-owned small businesses are expected to make up more than one-half of all businesses in the United States.

As a result of this striking information, I introduced an amendment to last year's Women Business Centers Sustainability Act that called for a GAO report studying the trends, barriers and possible solutions to this deficiency. I am proud to report that this report stands to be completed by the end of the year. However, this alone will not provide Federal procurement opportunities for women-owned small businesses. The administration must become actively involved in demanding Federal departments and agencies accomplish the five-percent procurement goal.

Mr. President, I have been advocating this issues for quite some time now. My colleagues and I in the Senate Small Business Committee have consistently supported efforts empowering the spirit of entrepreneurship in American women. In my view, these actions must be adopted and enforced on all levels of government.

I hope my colleagues in the Senate will join me in encouraging the President to hold the heads of the Federal departments and agencies accountable to ensure that the five percent goal is achieved during this fiscal year.

Mr. BURNS. Mr. President, today I join Senator BOND, Senator KERRY, and others in support of a Senate resolution urging the President to adopt a policy to ensure that the 5-percent Federal procurement goal for women-owned small businesses is met.

In 1994, Congress enacted the Federal Acquisition Streamlining Act, establishing a Government-wide goal for small businesses owned and controlled by women. This act allows for no less than five percent of the total dollar value of all prime contracts and subcontract awards for each year.

Over the past few years, we have witnessed the growth of women-owned businesses, including federal contracts. Over the past ten we've seen thousands of women entrepreneurs start or expand their own businesses. It is important we realize that women-owned businesses are the fastest growing segment of the business community in the United States. In fact, in the next ten years, it is expected that women-owned businesses will make up more than one-half of all businesses in the United States.

This week has been designated as Small Business Week, therefore it is only fitting that the Senate should pass this resolution to symbolize the Senate's concern that the Federal departments and agencies have not made adequate effort in meeting the five percent goal established in 1994 as part of the Federal Acquisition Streamlining Act. I fully support this Senate resolution and urge Federal agencies to make a concerted effort to meet this 5-percent goal.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 311) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 311

Whereas women-owned small businesses are the fastest growing segment of the business community in the United States;

Whereas women-owned small businesses will make up more than one-half of all business in the United States by the year 2010;

Whereas in 1994, the Congress enacted the Federal Acquisition Streamlining Act of 1994, establishing a Government-wide goal for small businesses owned and controlled by women of not less than 5 percent of the total dollar value of all prime contracts and subcontract awards for each fiscal year;

Whereas the Congress intended that the departments and agencies of the Federal Government make a concerted effort to move toward that goal;

Whereas in fiscal year 1999, the departments and agencies of the Federal Government awarded prime contracts totaling 2.4 percent of the total dollar value of all prime contracts; and

Whereas in each fiscal year since enactment of the Federal Acquisition Streamlining Act of 1994, the Federal departments and agencies have failed to reach the 5 percent procurement goal for women-owned small businesses: Now, therefore, be it

Resolved, That—

(1) the Senate strongly urges the President to adopt a policy in support of the 5 percent procurement goal for women-owned small businesses, and to encourage the heads of the Federal departments and agencies to undertake a concerted effort to meet the 5 percent goal before the end of fiscal year 2000; and

(2) the President should hold the heads of the Federal departments and agencies accountable to ensure that the 5 percent goal is achieved during fiscal year 2000.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Budapest, Hungary, May 26–30, 2000: The Senator from Iowa (Mr. GRASSLEY), Acting Chairman; the Senator from Pennsylvania (Mr. SPECTER); the Senator from Wyoming (Mr. ENZI); and the Senator from Ohio (Mr. VOINOVICH).

AUTHORIZING ACTION IN STATE OF INDIANA V. AMY HAN

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 312, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 312) to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in Indiana Superior Court for the County of Marion. In the case of State of Indiana v. Amy Han, the county prosecutor has charged the defendant with two counts of criminal trespass on Senator LUGAR'S Indianapolis office. Pursuant to subpoenas issued on behalf of the county prosecutor, this resolution authorizes two employees in Senator LUGAR'S office who witnessed the events giving rise to the trespass charges, and any other employee in the Senator's office from whom testimony may be required, to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 312

Whereas, in the case of State of Indiana v. Amy Han, C. No. 99–148243, pending in the Indiana Superior Court of Marion County, Criminal Division, testimony has been requested from Lesley Reser and Lane Ralph, employees in the office of Senator Richard Lugar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Lesley Reser and Lane Ralph, and any other employee of Senator Lugar's office from whom testimony may be required, are authorized to testify and produce documents in the case of State of Indiana v. Amy Han, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Lesley Reser, Lane Ralph, and any other employee of Senator Lugar's office in connection with the testimony and document production authorized in section one of this resolution.

AUTHORIZING ACTION IN HAROLD A. JOHNSON V. MAX CLELAND, ET AL.

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 313, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 313) to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff's second challenge to Georgia's current election laws. Having lost his first challenge against the State Board of Elections, the plaintiff now is bringing an identical challenge to the Georgia election laws through the use of the ancient writ of quo warranto.

Senator CLELAND, who was elected to the Senate almost four years ago, in 1996, in an election that was not the subject of any election contest brought before the Senate, is sued solely because of his official capacity as a sitting Senator. This quo warranto action in essence challenges his taking of the oath of office, as well as the Senate's action in seating him. As such, it falls appropriately within the Senate Legal Counsel's statutory responsibility to represent Members of the Senate in civil actions in which they are sued in their official capacity.

The writ of quo warranto can have no applicability to United States Senators or Representatives, as Article I, section 5 of the United States Constitution commits to each House of Congress the sole power to seat and remove its Members. This action is also barred by the speech or debate clause.

This resolution would authorize the Senate Legal Counsel to represent Senator CLELAND to seek his dismissal from this matter.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas, Senator Max Cleland has been named as a defendant in the case of Harold A. Johnson v. Max Cleland, et al., Case No. 2000CV22443, now pending in the Superior Court of Fulton County, Georgia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

NATIONAL CHILD'S DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 561, S. Res. 296.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) designating the first Sunday in June of each calendar year as ''National Child's Day''.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. RES. 296

Whereas the first Sunday of June falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and

dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates [the first Sunday in June of each year] *June 4, 2000*, as ''National Child's Day''; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Amend the title to read as follows: ''Designating June 4, 2000, as 'National Child's Day' ''.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, the title amendment be agreed to, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 296), as amended, was agreed to.

The preamble was agreed to.

The title was amended so as to read: ''Designating June 4, 2000, as 'National Child's Day.' ''

ORDERS FOR WEDNESDAY, MAY 24, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, May 24. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then proceed to a period of morning business until 11 a.m., with Senators speaking therein for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 10 to 10:30 a.m.; Senator THOMAS, or his designee, from 10:30 to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2603

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate begin consideration of S. 2603, the legislative branch appropriations bill, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. Mr. President, for the information of all Senators, the Senate will convene at 10 a.m. on Wednesday and be in a period of morning business until 11 a.m. Following morning business, the Senate will begin debate on the legislative branch appropriations bill. It is hoped that an agreement can be made regarding debate time and amendments so that a vote can occur during tomorrow's session of the Senate. There are approximately 40 minutes of debate remaining on executive nominations, with up to six votes to occur tomorrow afternoon. To accommodate the party dinners Wednesday night, votes will occur prior to 6 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Wednesday, May 24, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2000:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DON HARRELL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2002, VICE JEROME A. STRICKER, TERM EXPIRED.

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY. (NEW POSITION)

INSTITUTE OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEVELOPMENT

JAYNE G. FAWCETT, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2006, VICE ALFRED H. QOYAWAYMA, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To Be Admiral

VICE ADM. ROBERT J. NATTER, 0000

WITHDRAWALS

Executive messages transmitted by the President to the Senate on May 23, 2000, withdrawing from further Senate consideration the following nominations:

DEPARTMENT OF COMMERCE

Nicholas P. Godici, of Virginia, to be an Assistant Commissioner of Patents and Trademarks, vice Philip G. Hampton, II, which was sent to the Senate on January 31, 2000.

DEPARTMENT OF ENERGY

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research, vice Martha Anne Krebs, which was sent to the Senate on April 13, 2000.

EXTENSIONS OF REMARKS

SECRETARY ALBRIGHT'S REMARKS ON THE ANNIVERSARY OF BURMA'S MILITARY COUP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. LANTOS. Mr. Speaker, just a few days ago, here on Capitol Hill, our outstanding Secretary of State, Madeleine K. Albright, and the National Endowment for Democracy, joined by a number of Members of Congress marked the 10th anniversary of the election victory of Burma's National League for Democracy led by Aung San Suu Kyi in free Burmese elections in May 1990. Shortly after that democratic victory, the Burmese military annulled the results of the election and seized power in a military coup.

After the military crackdown against the victors of the democratic election, supporters of the National League for Democracy were arrested and many were forced to flee their homeland. Aung San Suu Kyi was placed under house arrest, and has been harassed and intimidated by the vicious and brutal military dictatorship. In appropriate recognition of her peaceful struggle for democratic change in Burma, Aung San Suu Kyi received the Nobel Peace Prize in 1991. The continued military harassment of Ms. Suu Kyi was so intense and bitter that she refused to leave Burma last year when she learned that her husband was dying of cancer in the United Kingdom. It was clear that the military junta would not permit her to return to Burma if she had left.

Aung San Suu Kyi was able to speak to the gathering only via a videotaped message, but she expressed thanks to the United States and other countries for ''supporting us in our endeavor to have the results of the 1990 elections recognized at this time, when the military regime are trying hard to pretend that the results of the elections are no longer valid.''

Mr. Speaker, in marking this important Burmese anniversary last week, Secretary Albright delivered an impassioned message of support for Aung San Suu Kyi and the Burmese patriots of the National League for Democracy. Secretary Albright said: ''We renew our commitment to Aung San Suu Kyi and the National League for Democracy. As long as you struggle, we will do all we can to assist. And we know that you will not stop struggling until you prevail.''

Mr. Speaker, that spirit truly pervades the position of the Administration, the Congress, and the American people toward the repressive regime in Burma and toward the heroine, Aung San Suu Kyi, who has the courage and integrity to stand up against that vicious antidemocratic military junta. In her outstanding speech, Secretary Albright strongly reaffirmed the American commitment to the people of Burma. Mr. Speaker, I ask that Secretary Albright's entire speech be placed in the RECORD, and I urge my colleagues to give serious attention to her thoughtful remarks.

REMARKS AT NATIONAL ENDOWMENT FOR DEMOCRACY

Secretary of State Madeleine K. Albright

SECRETARY ALBRIGHT: Thank you very much, Carl, and I am truly pleased to be here today for this event, and I am very pleased to be here with my good friend, Ambassador Vondra, Ambassador Jayanama, and the members of Congress who just left.

But I'm very glad they were here. Congressman Pelosi and Congressman Kucinich, Congressman Lantos and Congressmen Payne and Porter. And they have really been wonderful supporters of democracy and I'm always very pleased to be able to work with them. And there are so many other distinguished colleagues, guests and friends who are here.

The National Endowment for Democracy is one of my favorite institutions. And I think Carl explained why. It has pioneered the use of our own civil society to work with supporters of democracy from other countries and cultures. It's had extraordinary success in helping democracy-builders learn from each other by sharing experiences across national lines. And by so doing has helped to give global impetus to the movement to democracy.

The Open Society Institute and the Institute for Asian Democracy provide further evidence that the desire to choose one's own leaders freely and without fear is indeed a universal human aspiration. It is also a universal human right.

Today, we assemble to mark the tenth anniversary of the last time that right was exercised by the people of Burma, and to pay tribute to the overwhelming winner of those elections, the National League for Democracy, and to its leader Aung San Suu Kyi.

As many of you know, Aung San Suu Kyi is the daughter of the late Aung San, the hero of Burmese independence. She was educated abroad, but in 1988, returned to Burma. This was a period of turbulence, but after years of military rule, a democratic opening did, in fact, seem possible.

Although reluctant at first, Aung San Suu Kyi began to speak out with fearless eloquence, and to electrifying effect. As a result, the 1990 elections were a rout. The NLD won more than 80% of the Parliamentary seats contested.

But instead of respecting the people's voice, the military tried to silence it. The authorities consolidated their own powers, threw dozens of elected representatives in jail, and drove others into exile. Aung San Suu Kyi, herself, spent more than five years under house arrest.

Some time ago, when I was serving as US Permanent Representative to the UN, I traveled to Burma. I met with General Khin Nyunt, head of the military intelligence. We didn't get along very well.

According to the General, the authorities are saving Burma from chaos by imposing stability upon an ethnically diverse population. Thus, he said, the government is not only respected by the Burmese, but loved. ''After all'', he said, ''our people smile all the time.''

I replied that, under repressive regimes, people may smile, but they do so out of fear, not happiness. And no true nation can be built on fear.

This is also Aung San Suu Kyi's core message. She has written that it is ''not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it.''

As Carl mentioned, I did meet Aung San Suu Kyi in 1995. I went to Rangoon immediately after the Women's Conference in Beijing. And she and I, I must say, hit it off immediately. She is a remarkable woman of fragile beauty and inner strength, and I admire her more than almost anyone that I have met.

People often ask me about the symbolism of my jewelry. Well, today here the freedom light and here is a necklace that Aung San Suu Kyi gave me. And if in any way she would know that, I would be very pleased. She is a wonderful person who has kept the spirit alive.

She is using the tenth anniversary of elections to renew her call for a dialogue aimed at returning her country to democracy. The authorities have responded with a new wave of arrests and slanders. In a sense, the battle of wills between Aung San Suu Kyi and the government is grossly unequal. The military has all the weapons of coercion.

So each time Aung San Suu Kyi speaks to her supporters in Burma, she is vulnerable. Each time she expresses outrage about the lack of opportunities available to Burmese children, or the decline in education, the spread of disease, the loss of freedom—she is vulnerable. And each time she records a videotape of the type we just watched, she is vulnerable. Always, she is vulnerable.

We, here in the United States, cannot change that. But we can ensure that Aung San Suu Kyi and her Burmese allies are never alone, for their bravery and sacrifice are part of a larger struggle that has engaged the energies and courage of humankind for generations.

After all, Gandhi was vulnerable when he told a Court in colonial India that ''non-cooperation with evil is as much a duty as cooperation with good.'' In fighting apartheid, Mandela was vulnerable. In defending Jewish emigration, Shcharansky was vulnerable. In asserting her rights, Rosa Parks was vulnerable.

The struggle for freedom is never easy and never over. Progress depends on courageous leaders such as Aung San Suu Kyi, and on those willing to undergo hardships and grave risks such as the members of the NLD. It also depends on us.

Vaclav Havel, who endorsed Aung San Suu Kyi for the Nobel Prize, has told me many times how important it was for those struggling to bring freedom to Central and Eastern Europe to know they had friends around the globe.

Last year, the National Endowment helped bring together the World Movement for Democracy in New Delhi. Next month, the United States will participate in a Community of Democracies conference in Warsaw. And our purpose is to see that the democratic tide remains a rising tide around the world, by helping those who have gained freedom to sustain it, and by expressing solidarity with the efforts of those who seek freedom to secure it.

Today, we renew our call to the authorities in Rangoon to abide by the democratic wishes of their people; and to free political prisoners, end torture, fight narcotics production, and halt forced labor.

We renew our commitment to Aung San Suu Kyi and the National League of Democracy. As long as you struggle, we will do all we can to assist. And we know that you will not stop struggling until you prevail.

The yearning for freedom is relentless. The walls it cannot overwhelm, it will nevertheless erode. And I am confident the day will come when Burma is free. And Aung San Suu Kyi's democratic dream will become a reality through the inspiration of his daughter, the bravery of the Burmese people, and the support of those who love liberty around the world.

I thank you all very much for participating in this event because I think that for Aung San Suu Kyi to know that there are people all over that support her must be a source of strength to her. She a truly remarkable woman, and we owe her a great deal.

Thank you very much.

COLORADO STATE REPRESENTATIVE MARCY MORRISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. MCINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Representative Marcy Morrison. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Morrison's dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado House of Representatives in 1992, a seat she would hold to present time, she served on the Health and Judiciary Committees. She sponsored the Post Delivery Care for Stays in Hospitals and immunization for more Colorado children. Marcy has also been very active on the health care issues for seniors, the disabled, and child care.

Representative Morrison received many honors. She received the Women of Spirit Award from the Colorado Counseling Association, as well as, the Outstanding School Board Member award-Gates Scholarship from the Kennedy School. Marcy has also received awards from the Colorado Obstetrics & Gynecology Society, the Pediatric Society and the Colorado Planners Association.

This year marked the end of Representative Morrison's tenure in elected office. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Morrison a debt of gratitude and I wish her well.

1999–2000 GED GRADUATES—COOSA VALLEY TECHNICAL INSTITUTE ROME, GA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. BARR of Georgia. Mr. Speaker, the first graduate equivalency diploma (GED) tests were developed in 1942 to help returning World War II veterans finish their studies and re-enter civilian life. Then, as now, the GED tests measure the academic skills and knowledge expected of high school graduates in the United States. The GED program has served as a bridge to education and employment for an estimated 13 million people over its 58-year history. Approximately one in seven high school diplomas issued in the United States is based on passing the GED tests, and 68 percent of GED test-takers plan to enter a college, university, trade, technical, or business school in the very next year. During the past 10 years, the number of adults taking special editions of the GED tests (audio cassette and braille) more than doubled.

Today I salute the 1999–2000 GED graduates of Coosa Valley Technical Institute in Rome, GA. Coosa Valley Tech is an official GED testing center, under contract with the Georgia Department of Technical and Adult Education and the American Council on Education. Adults who are 18 years of age and officially withdrawn from school are eligible for testing. Those who pass the GED are awarded the General Educational Development Diploma, and, in Georgia, most are eligible for a $500 HOPE voucher from the State of Georgia to defray costs of continuing education at eligible schools.

The environment of the school is designed to give special attention to adults returning to school to resume educational programs which were interrupted in earlier years. These adults may be refreshing their basic skills to re-enter the job market after a layoff; preparing for the GED tests to qualify for a job or educational program which requires a high school diploma to enter; or working toward a personal educational goal which they have set for themselves. More than 95 percent of employers in the United States consider GED graduates the same as traditional high school graduates when making hiring, salary, and promotion decisions.

Nationwide, statistics indicate more than 800,000 adults take the GED tests each year. Those who obtain scores high enough to earn a GED diploma outperform at least one-third of today's high school seniors.

Some prominent GED graduates include: actor Bill Cosby; Wendy's founder, Dave Thomas; and U.S. Senator BEN NIGHTHORSE CAMPBELL (R–CO).

Not only have adults who obtain their GED worked diligently to reach their educational goal, many did so while holding down full time jobs. Many are mothers or fathers who must care for the needs of their children. Most certainly, they are to be congratulated for their diligence and hard work in achieving their goals. It is hoped each of them will continue to succeed in future endeavors, and statistics indicate that will likely be the case.

It is my honor to place this recognition of the 1999–2000 GED graduates of Coosa Valley Technical Institute into the CONGRESSIONAL RECORD of the 106th Congress of the United States of America.

HONORING LOCAL LEGACIES PROJECT PARTICIPANTS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. EHLERS. Mr. Speaker, today I recognize the Local Legacies project that has served as the focal point of this year's Library of Congress Bicentennial celebration. Last year, each Member of Congress was asked to submit audio, visual, or textual documentation for at least one significant cultural heritage that has been important to his or her district, serving as a record for future generations. This documentation will be permanently housed in the collections of the Library's American Folklife Center. This evening, Members of Congress and Local Legacies project participants from across the country will gather in the Great Hall of the Thomas Jefferson Building to celebrate the completion of this magnificent collection of historical material.

I am proud to have participated in the Local Legacies project and personally thank volunteers Kathy Kuhn and Eileen Schwarz-Duty, who deserve an enormous amount of credit for gathering and compiling the Local Legacies project for the Third District of Michigan. Kathy and Eileen coordinated the massive effort of documenting The Festival of the Arts: The Nation's Largest All-Volunteer Arts Festival. This Festival is a three-day celebration of the arts held the first full weekend of June in downtown Grand Rapids, Michigan. The first festival was held in 1970 and has grown considerably over the years. In 1998, 20,000 volunteers helped showcase the work of several thousand artists, dancers, musicians, poets, and other performers. Festival is also known for its wide variety of food booths set up by non-profit organizations that highlight various ethnic themes and culinary specialities. Festival hats, water bottles, beanie babies, posters, programs, pins, and a video are just a few of the many items that were submitted on behalf of the Third District. Because of the passion these two individuals have for Festival, the Library of Congress has received the best possible representation to what our major West Michigan event is all about.

I encourage everyone to take a moment to explore the Local Legacies materials that have been submitted for inclusion in the Library's collection. All information regarding Local Legacies, including a complete project listing, can be accessed through the Library's Bicentennial Web site at: http://www.loc.gov/bicentennial.

Mr. Speaker, I ask you and our colleagues to applaud the efforts of volunteers from across the country who have helped in the bicentennial celebration of America's oldest federal cultural institution, the Library of Congress. Thanks to their work and care in preserving the past, the cultural heritage of our nation will be preserved.

OPENING OF THE POLISH CENTER OF DISCOVERY AND LEARNING AT ELMS COLLEGE IN CHICOPEE, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, it is my honor today to take a few minutes to recognize a significant event is my district that will both recognize and honor the impact the Polish American culture has made upon western Massachusetts.

On Saturday, June 3rd, the Elms College in Chicopee, Massachusetts will open a new Polish Center of Discovery and Learning. This new center will address a need in the community that is not currently being met by other area academic research centers and cultural associations. The Polish Center will provide support materials for local schools and educational institutions to encourage and assist people in western Massachusetts and from throughout New England to learn about and discover Poland.

The Polish Center will develop a permanent exhibit of historical and cultural materials which will be housed in an inviting community meeting space. The mission of the center will be to offer a variety of workshops, exhibits, concerts, conferences, films, plays and lectures. All of this will be done in an effort to make known the achievements of Americans of Polish descent and others whose relationships with the ethnic Polish culture has contributed to the economy, the arts and the sciences in New England.

The resources at the Polish Center of Discovery and Learning will include a library collection of English language materials for undergraduate students and the general public on topics of Polish history and culture. The Center will also include a database of historical and statistical information with a concentration on Poles in the United States. Historical and cultural artifacts, as well as support materials and bibliographies will be available.

What is most special about the Center, however, is that it will draw upon the collective experiences of people of Polish origin who live within the western Massachusetts area. Programming will be available for adults, children and college students, and traditional Polish customs and traditions will be passed down through the generations.

Mr. Speaker, I am honored to represent such as interesting and unique Center dedicated to learning bans sharing the Polish American culture that thrives in my area. I look forward to working closely with the directors of this Center, and to participating in the many exciting programs and events that are to come in the future.

Congratulations to Elms College for establishing the Polish Center of Discovery and Learning.

COLORADO STATE REPRESENTATIVE, DEBBIE ALLEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading ladies, State Representative Debbie Allen. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Allen's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House in 1992, a seat she would hold until present. Representative Allen rose quickly to positions of great importance within the House. Debbie served as the chairman of the Education Committee. Some of her key issues have been crime, law enforcement and educational reform. Debbie is also a Republican activist, serving as the President of the Aurora Republican forum.

Representative Allen also received many honors. She received the Top Metro Legislator award, Friend of Agriculture award, CU Alumni Legislative Award, and the Junior League Champion for Small Children Award. Debbie also received the 5 year award for a 4-H leather instructor.

2000 marked the end of Representative Allen's tenure in the State House of Representatives. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Allen a debt of gratitude and I wish her well.

HONORING WOMEN WHO HAVE SERVED, FOUGHT AND DIED FOR FREEDOM

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. EVANS. Mr. Speaker, from our nation's beginning to the present, women have answered the call to duty without hesitation. Like their male counterparts, they put their lives, their goals, and their dreams on hold to serve their nation.

Women's participation in the military dates back as early as the Revolutionary War when in June of 1778 at Monmouth Courthouse a woman came to the aid of General George Washington and his weary troops. Moving across the battlefield binding wounds and dispensing water, this woman, who became known as ''Molly Pitcher'', noticed that one of the gun positions had ceased firing. She quickly put down her water pitcher, took over the gun position and fired her cannon. She stayed at her station until relived by artillerymen. Historians recorded her deeds and actions and while her true identity is not known, ''Molly Pitcher'' is representative of the women who served with the Continental Army in our country's fight for independence.

During World War I women served as nurses in the armed forces. By the end of the war, 34,000 women had served in the Army and Navy Nurse Corps, the Marines, and the Coast Guard. These women served with honor not only on American soil, but overseas as well. Three Army nurses received the Distinguished Service Cross, a combaqt medal second only to the Medal of Honor. Twenty-three received the Distinguished Service Medal, the highest non-combat award. Many received foreign medals and some 38 women made the ultimate sacrifice for their nation and were buried overseas in U.S. cemeteries.

World War II ushered in a new era of service for women in the military. In 1942 laws were passed establishing the Women's Army Auxiliary Corps, the Navy Women's Reserve, the Marine Corps Women's Reserve, and the Coast Guard Women's Reserve. With the signing of the Integration Act of 1948, women were given permanent, legal status as enlisted personnel. By the end of the war, roughly 350,000 had served in the armed forces in virtually every occupaiton outside of direct combat. These women all had two things in common—they had all volunteered and they had a desire to serve their nation.

The record of women's service to the Armed Forces does not stop with these early wars. Some 265,000 women served during the Vietnam Era and approximately 35,000 women served during the Persian Gulf War. There can be little doubt that these brave women performed a valuable role in service to our nation. Historical documents are full of testimonials attesting to the excellence of women's service, disciplined character and overall positive efffects on the armed services. The brave women who served and continue to serve this nation desire our respect and gratitude.

None of us who have served in our country's armed forces will ever doubt the importance of the service of women in the military. Accounting for an increasing percentage of those in uniform today, women now hold positions of leadership and achievement few would have predicted, even as recently as World War II.

Today a special observance will be held to honor the women who have served in the Armed Forces. Fittingly, this observance will be held at the Women in Military Service for America Memorial. This will be the third annual observance, honoring women who have served admirably in our armed services, some whom have made the ultimate sacrifice so that Americans may enjoy the liberty and freedom we too often take for granted.

Dedicated on October 18, 1997, the Women's Memorial is an inspiring monument that honors and illustrates America's servicewomen throughout history. Sited at the ceremonial entract to Arlington National Cemetery, it is the nation's only major national memorial honoring women who have served in uniform in and between our Nation's wars.

I join with many of my colleagues today in saluting the women who have proudly and honorably serve in our Nation's military. The debt which we owe them is grat and it is most appropriate to pause today to pay them tribute for their individual and collective contirbutions to our Nation.

REFORM IN IRAN

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. OLVER. Mr. Speaker, I rise today to commend Secretary Madeleine K. Albright for articulating the United States' willingness to engage Iran after Majlis (parliamentary) victories for Iranian reformers. Her effort to expand cultural and economic ties with Iran is wise and appropriate. While I do not condone the egregious violations of human rights and international law that routinely take place in Iran, we must make it clear to reformers there that the U.S. is eager to reciprocate moves toward a friendlier relationship.

Through the election of Mohammad Khatemi and his pro-reform allies in the Iranian parliament, the Iranian people have expressed a desire to moderate their nation's conservative Islamic government. Ali Khamene'i and Iran's other religious leaders, who hold ultimate control over virtually all Iranian policy, have, for the most part, allowed Iran's new elected leadership to take their places in the Majlis. However, the Washington Post recently reported that the Council of Guardians has overturned several electoral victories for reformers at the provincial level, in addition to manipulating Iran's electoral institutions to favor conservatives in parliamentary runoffs. I believe that while the electoral victories represent an important victory for democracy in Iran, the tenuousness of those victories highlights the degree to which Iran's major institutions are still controlled by a handful of oligarchs. There is much work to be done on these issues.

I would also like to recognize the work of Iranian-American citizens who have worked hard to open up economic ties between the U.S. and Iran. I hope that the lifting of luxury imports and increase in travel visas that Secretary Albright announced in her speech will create some improvement in the quality of life for ordinary Iranians. Further, I hope that improvements in Iran's economy will amplify the cries for democracy.

Once again, I want to reiterate my support for Secretary Albright's attempt to engage and bolster Iranian reformers.

TRIBUTE TO LOUIS W. FOX ACADEMIC AND TECHNICAL HIGH SCHOOL, RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. GONZALEZ. Mr. Speaker, today I offer my sincerest congratulations to Louis W. Fox Academic and Technical High School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standard and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Fox Tech High School is among eight schools in San Antonio and 198 schools nationally, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for America Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Fox Tech High School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

THE HONORABLE GARY McPHERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, Colorado Representative, Gary McPherson. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative McPherson's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House of Representatives in 1992, he served on the Appropriations and Judiciary Committees. He dealt with legislation regarding minors and smoking. He has also worked very aggressively on education, crime and welfare reform. Gary was also the vice chairman and the board member of the Arapahoe County Recreation District.

Representative McPherson received many honors. He was named CACI Legislator of the Year and received the Aurora Public Schools' Superintendents' award.

2000 marked the end of Representative McPherson's tenure in the State House of Representatives. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative McPherson a debt of gratitude and I wish him well.

REMARKS OF AMBASSADOR DAVID IVRY AT THE DAYS OF REMEMBRANCE COMMEMORATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. LANTOS. Mr. Speaker, on Thursday, May 4, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials and hundreds of Holocaust survivors and their families to commemorate the Days of Remembrance in the rotunda of the United States Capitol. The theme of this year's commemoration was ''The Holocaust and the New Century: The Imperative to Remember.''

After more than half a century, Mr. Speaker, we must still commemorate the horrors of the Holocaust in order to honor the memory of those victims of Hitler's twisted tyranny. At the same time, we must mark this catastrophe because mankind still has not learned the lessons of this horror, as evidenced most recently by the mass killings in Kosovo.

Mr. Speaker, David Ivry, Israeli Ambassador to the United States delivered a moving address at this year's Day of Remembrance ceremony. I ask that Ambassador Ivry's remarks at the Days of Remembrance ceremony in the Capitol be placed in the RECORD, and I urge my colleagues to give them thoughtful consideration.

David Ivry was appointed Israeli Ambassador to the United States in January 2000. From 1977 to 1982, he held the rank of Major General and Commander of the Israel Air Force. Ambassador Ivry is a graduate of Technion University, where he earned a Bachelors of Science in Aeronautical Engineering. He has held many governmental posts, most recently serving as Israel's National Security Advisor and Head of the National Security Council. He and his wife Ofra have three children and two grandchildren.

REMARKS OF DAVID IVRY, ISRAELI AMBASSADOR TO THE UNITED STATES

His Excellency, Goran Persson Prime, Prime Minister of Sweden, Mr. Chairman, honored Members of Congress, diplomatic colleagues and friends: ''Yizkor—remember.'' The act of remembering has always been a basic principle for the Jewish people. In order to remember, the Jewish people have a traditional prayer called the Yizkor, which is recited around the world today. The word Yizkor is in the future tense. It teaches us that the act of remembering the past goes beyond the present and pushes humankind into the future.

My father left Czechoslovakia when Hitler came to power. He reached Israel in 1934 and that is where I was born. Our house contains an album with photos of many members of my family who perished in the Shoah. Few understood the danger. Few believed that such a tragedy could take place. Few imagined that the human mind could conceive such a twisted path. Even today it is difficult to understand. There were brave individuals who provided shelter to Jews. My father's sister was given shelter and hidden by a Christian family in Bratislava, and at the end of the war she made Aliya to Israel. We must also remember those who extended a hand while endangering themselves.

Ladies and gentlemen, in my career as an Air Force pilot, I was given the privilege to view the world from thirty thousand feet and

above. From that altitude, armed with the responsibility and collective memory of our people's history, one can see the past, present and future. We were given the opportunity to engage and destroy the immediate threats that faced the Jewish nation. And we committed ourselves to diminish the threats to future generations.

However, the dangers to humanity are not always military in nature. They are also found in the realm of ideas: in the promotion of evil, in the active denial of evil, or even in the refusal to see evil. The United States played an important role in the founding of the State of Israel, as a shelter for the Jewish people. The commandment ''To Remember'' is also a commandment to remember the positive, and so we will. The Jewish People remember the American role. The Jewish People see the United States as a symbol and example of moral principle and justice. We pray that this superpower will continue to lead the world so that tragedies such as the Shoah will never be repeated in the 21st century.

COMBATING FRAUD AND ABUSE IN THE CHILD AND ADULT CARE FOOD PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to combat fraud and abuse in the Child and Adult Care Food Program (CACFP). Since 1975, when the Child and Adult Care Food Program became a separate program under the National School Lunch Act, it has provided nutritious meals and snacks to children in day care facilities and family day care homes. It operates in 37,000 day care centers and 175,000 day care homes.

Unfortunately, in recent years there have been reports of widespread fraud and abuse and deficient management practices in the program. This has meant that the full value of nutrition benefits the program delivers has been denied to many participating children. Sadly, funds that could be better used to serve children have ended up in the hands of unscrupulous program sponsors and care providers.

Hopefully, this bill puts an end to this practice. We owe it to the approximately 2.7 million children participating in this program to end the fraud, abuse, and mismanagement that is depriving them of the nutritious meals.

In August, 1999, the Office of the Inspector General (IG) at the U.S. Department of Agriculture (USDA) issued a report outlining fraud and abuse in the Child and Adult Care Food program. This report, ''Presidential Initiative: Operation Kiddie Care,'' found that the program was highly vulnerable to abuse because most of the controls for combating fraud were vested in CACFP sponsors without any federal or state oversight. The IG found that some sponsors were using program funds for personal use and depleting the funds available to provide an effective food service program to children in day care.

Three months later (November, 1999) the General Accounting Office (GAO) issued their report, entitled, ''Food Assistance: Efforts to Control Fraud and Abuse in the Child and Adult Care Food Program Should Be Strengthened.'' The GAO report found that the Food and Nutrition Service (FNS) had not effectively directed the states' efforts to protect against fraud and abuse. According to the GAO, state agencies claimed that a lack of resources, inadequate training in the identification of fraud and abuse, and unclear regulations on the removal of noncompliant sponsors were among the reasons why they could not strengthen the amount of control over the fraud and abuse.

To address the issues raised in these two reports, I have worked with the Early Childhood, Youth, and Families Subcommittee Chairman, Congressman MIKE CASTLE, and his Ranking Member, Congressman DALE KILDEE, the nutrition community, and the Department of Agriculture to develop a proposal that will address many of the concerns raised by the IG, the GAO, and the nutrition community. The legislation outlined below will go a long way toward ending fraud and abuse in the Child and Adult Care Food Program. Key provisions of this proposal would:

Require USDA to develop a plan for ongoing periodic training of state and sponsor staff on the identification of fraud and abuse in order to ensure that current and new employees can assist in efforts to prevent fraud and abuse.

Require a minimum number of unannounced and scheduled site visits. These visits would be in addition to site visits to program sponsors and providers with a bad record or where there is a suspicion of fraud and abuse.

Permit the secretary to withhold, in whole or in part, state administrative funds in instances where states have not met their responsibilities for oversight and training for sponsors and providers.

Provide notification to parents that their children are enrolled in a child care center or group or family day care home participating in the CACFP Program. This provision will allow parents to take action if they suspect fraud and abuse and to understand the benefits their children should receive under CACFP.

Bar the recovery of funds lost due to fraud and abuse from food dollars which benefit participating children.

Make it clear that sponsors applying for participation in CACFP must meet specific qualifications and will not automatically approved. Require the development of detailed criteria for approving new sponsors and for renewing sponsors which would include factors such as whether or not they are capable of performing the job, have appropriate business experience and adequate management plans, and whether or not there is a need for an additional sponsor in a specific area.

Limit administrative costs for sponsors of day care centers to 15 percent of the funds they disburse to decrease the potential for abuse.

Require USDA, working with states and sponsors, to develop a list of allowable administrative costs for sponsors of family day care homes and child care centers.

Require the Department of Agriculture to establish minimum standards regarding the number of monitors sponsors should employ to ensure there are sufficient monitors to visit providers and detect fraud and abuse.

Require state agencies that administer CACFP to deny approval of institutions determined to have been terminated with cause or that lost their license to operate any federally funded program.

Limit the ability of day care homes to change sponsoring organizations to once a year unless they can demonstrate they are transferring for good cause.

Require the return and reallocation of non-obligatory CACFP audit funds to the secretary for reallocation to other states with a demonstrated need for additional audit dollars.

Require sponsors to have in effect a policy that restricts other employment by employees that interferes with their responsibilities and duties with respect to CACFP.

Require the secretary to develop procedures for terminating sponsors for unlawful conduct and failure to meet their agreements with the state.

Provide for the immediate suspension of sponsors and providers in cases where there is a health or safety threat to participating children.

Finally, it appears that this bill will result in a small amount of savings in mandatory spending. It is my intention to work closely with Congressman KILDEE and others to ensure that these resources are used in a responsible way. In particular, In particular, we should explore ways to use these savings to improve the health and maintenance of those served by federal nutrition programs.

Mr. Speaker, I want to thank Chairman CASTLE, Congressman KILDEE, the U.S. Department of Agriculture, and the nutrition community for working with me to develop this proposal. We created the Child and Adult Care Food Program to benefit children, not line the pockets of unprincipled sponsors and providers. I believe the bill we are introducing today will ensure that the program works the way it was originally intended. Most importantly, it will give the states and the Department of Agriculture the tools they need to attain the goals set for the program. I urge my colleagues to support this important legislation to put an end to the waste, fraud, and abuse that has plagued this program.

THE RETIREMENT OF WAYNE SHACKELFORD, COMMISSIONER, GEORGIA DEPARTMENT OF TRANSPORTATION

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. BARR of Georgia. Mr. Speaker, I rise today to recognize Wayne Shackelford, Commissioner, Georgia Department of Transportation, for the dedication and commitment he has made to the people of Georgia, and to congratulate him on his retirement.

Mr. Shackelford became Commissioner of the Georgia Department of Transportation on November 1, 1991. He has been active in both regional and national transportation policy development since becoming Commissioner. He continues to serve on many state, regional, and national transportation committees, and has also earned many national and state awards.

As Commissioner, Mr. Shackelford administers an annual budget of $1.4 billion and manages approximately 5,900 employees statewide. He successfully provided the mobility that gave the world the opportunity to travel the state before, during and after, the 1996

Summer Olympic Games. He is a man of vision; whose integrity, responsiveness, and hard work are legendary.

Wayne and his wife, Anne, have three grown children, and reside in Snellville, Georgia. They attend the First Baptist Church of Lawrenceville, where he has served as a Deacon. Wayne will bring an end to this phase of an outstanding public carrier, when he retires on May 31, 2000. I congratulate Wayne, and wish him and his family the very best. The state of Georgia, and all who travel within its borders, are in his debt.

HONORING SHARON CHRISTA MCAULIFFE JUNIOR HIGH SCHOOL IN SAN ANTONIO, TEXAS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. GONZALEZ. Mr. Speaker, today I offer my sincerest congratulations to Sharon Christa McAuliffe Junior School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standard and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Sharon Christa McAuliffe Junior High is among eight schools in San Antonio and 198 schools nationally, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for America Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Sharon Christa McAuliffe Junior High will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

COLORADO STATE HOUSE REPRESENTATIVE RON MAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. MCINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Representative Ron May. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative May's dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado House of Representatives in 1992, a seat he would hold to the present time, he sponsored many bills on workers' compensation, unemployment, insurance, highway speed limits, right-to-work legislation and information systems. He works diligently to bring his colleagues up to speed on a whole range of technological issues.

Representative May received many honors. In 1996 he received the National Right to Work Legislator of the Year award, the NFIB Guardian of Small Business award in 1994 and the CACI Business Legislator of the Year award.

2000 marked the end of Representative May's tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative May a debt of gratitude and I wish him well.

HONORING RABBI ALBERT MICAH LEWIS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. EHLERS. Mr. Speaker, today I pay tribute to Rabbi Albert Micah Lewis, who is retiring from Congregation Emanuel in my home city of Grand Rapids, Michigan after 28 years of leadership. Not only has he been a tremendous force within his congregation, Rabbi Lewis has also provided outstanding leadership and dedication to numerous organizations and projects within our community. His strong academic background and intellectual ability have led to national respect for his work and writings.

Even though he is ending his day-to-day role at Temple Emanuel, Rabbi Lewis will continue to be a driving force in Grand Rapids. He will continue his duties as an Adjunct Associate Professor of Religion and Aging at Aquinas College where he has been teaching since 1972. He will also remain as an Adjunct Associate Professor of Psychology and Gerontology at Aquinas College, and will continue on the staff at Hope College as an Adjunct Professor of Jewish Studies, where he has served since 1994.

Rabbi Lewis' contributions to our community have been numerous and generous; they could easily fill many pages in the CONGRESSIONAL RECORD. I will highlight just a few of his many contributions. He is the founder and co-coordinator of Interfaith Forum for Understanding and Growth. He also founded and served as President of the Hospice of Greater Grand Rapids and the Western Michigan Chapter of the Michigan Society for Gerontology. In 1999 he was honored as Man of the Year by the Jewish Community Fund of Grand Rapids. Earlier this year, he was appointed to the Executive Committee of the Anti-Defamation League of Michigan and to the Board of Directors of the Henri Nouwen Literary Society. He has also authored numerous publications on a variety of subject matters.

On a personal level, I have always appreciated Rabbi Lewis' moral presence in our community. He has thoughtfully and insistently spoken on behalf of issues important to us, our community, and our relationships with God. Such moral leadership is enormously important as we strive to lead the people of this nation toward our common goals of freedom, liberty, and respect for each other.

Mr. Speaker, I commend Rabbi Lewis for the tremendous impact he has had on our community. As you can see, Mr. Speaker, Rabbi Lewis is a outstanding individual committed to service to God and fellow human beings. I ask my colleagues to join me in honoring him for his contribution to society.

HONORING ASSOCIATED BUILDERS AND CONTRACTORS ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. GOODLING. Mr. Speaker, I rise today to honor Associated Builders and Contractors as it prepares to celebrate its 50th Anniversary Convention in Baltimore beginning May 31.

Associated Builders and Contractors (ABC) is a national trade association representing over 22,000 contractors, subcontractors material suppliers and related firms from across the country and from all specialties in the construction industry. Seven contractors called the very first ABC meeting to order on June 1, 1950 in Baltimore, Maryland. Since that day, ABC has been the industry's voice for merit shop construction.

ABC is the only national association devoted to the merit shop philosophy, which aims to provide the best management techniques, the finest craftsmanship, and the most competitive bidding and pricing strategies in the industry. Merit shop companies employ approximately 80 percent, or 4 out of 5, of all construction workers in the nation.

ABC believes that union and merit shop (open shop) contractors and their employees should work together in harmony and that work should be awarded to the lowest responsible bidder regardless of labor affiliation.

ABC is committed to developing a safe workplace and high-performance work force through quality education and training with comprehensive safety and health programs. ABC is dedicated to fighting for free enterprise, fair and open competition, less government, more opportunities for jobs, tax relief, increased training, and elimination of frivolous complaints and over-regulation. ABC promotes and defends the individual's rights to unlimited opportunities. Merit shop construction provides unlimited growth and career advancement to workers who recognize the value of hard work and dedication.

Mr. Speaker, I send my sincere best wishes as Associated Builders and Contractors celebrates this milestone in its history. It is with great pride and appreciation that I recognize the accomplishments of this fine group.

COMMEMORATING THE CENTENNIAL OF RAISING THE U.S. FLAG IN AMERICAN SAMOA

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mrs. MINK of Hawaii. Mr. Speaker, today I express my heartiest congratulations to the people of American Samoa and to Samoans living in Hawaii and throughout the United States in recognition of the Centennial of the Raising of the United States Flag in American Samoa.

Flag Day, which is celebrated on April 17th, is the biggest holiday in American Samoa and is observed by Samoans throughout the world. The importance of this holiday is a reflection of the pride the people of Samoa take in their affiliation with the United States.

Samoans have demonstrated their loyalty and commitment to the United States through service in our Nation's wars. In fact, the per capita rate of enlistment in the Armed Forces among American Samoans is among the highest in the United States.

For more than 30 years, the Samoa Flag Day Festival has been observed in Hawaii. It is a celebration of our shared history, of the contributions Samoans have made to our Nation and to the State of Hawaii, and of the rich culture and traditions of Faasamoa. The Festival includes sports competitions, cultural demonstrations, singing, dancing, and food.

I take this opportunity to send my warmest aloha to my esteemed colleague, the Honorable ENI FALEOMAVAEGA, and to all the people of American Samoa.

COLORADO STATE SENATOR MARYANNE TEBEDO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. MCINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Senator MaryAnne Tebedo. In doing so, I would like to honor this individual who, for many years, has exemplified the notion of public service and civic duty. It is clear that Senator Tebedo's dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado Senate in 1988, she was the chairman of the State of Veterans Military Affairs Committee and served on the Finance Committee. She also served as parliamentarian. She worked hard on issues concerning concealed weapons, State boards and highways.

Senator Tebedo received many honors. In 1992 she received the NFIB Guardian of Small Business Award, the CACI Business Legislator of the Year Award. She was also honored by Freedom Magazine as a Human Rights Advocate.

This year marked the end of Senator Tebedo's tenure in elected office. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Tebedo a debt of gratitude and I wish her well.

HONORING SAM SMITH

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. NETHERCUTT. Mr. Speaker, today, I honor Sam Smith, a great citizen from the State of Washington.

Dr. Sam Smith retires, this year, after fifteen years as President of Washington State University. His hard work and leadership transformed WSU from a single campus in Pullman to a nationally recognized, statewide university. Dr. Smith increased student access to Washington State University by establishing WSU Learning Centers in eleven counties and expanding WSU's presence in underserved areas with branch campuses in Spokane, the Tri-Cities and Vancouver.

Dr. Smith also presided over the most successful fundraising campaign in the history of Washington State University. Campaign WSU, the university's first comprehensive fund-raising effort, raised more than $275 million and had the highest alumni-giving rate of all public universities in the country.

Dr. Smith led academic programs and research efforts that resulted in Washington State University's recognition in national rankings as one of the best public universities in America, including a ranking, last year, as the most wired public university in the nation.

Dr. Smith was president in 1998 when the Washington State Cougar football team was Pac-10 champion and competed in the Rose bowl for the first time in 67 years.

I thank Dr. Smith for his service to Washington State University and Washington State and ask that he and his wife, Pat, remain friends with both in their retirement as both remain friends with them.

THE CASE AGAINST BIGOTRY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I recently saw an editorial of such eloquence and passion that I believe it should be shared with the membership of this body. Since we from time to time deal with issues involving the rights of gay and lesbian people, I believe it is extremely important for the Members to read this mother's cry for justice and I hope that it will factor into the decisions we make in the future.

[For the Valley News (White River Junction, VT/Hanover, NH, April 30, 2000]

(By Sharon Underwood)

As the mother of a gay son, I've seen firsthand how cruel and misguided people can be.

Many letters have been sent to the Valley News concerning the homosexual menace in Vermont. I am the mother of a gay son and I've taken enough from you good people.

I'm tired of your foolish rhetoric about the ''homosexual agenda'' and your allegations that accepting homosexuality is the same thing as advocating sex with children. You are cruel and ignorant. You have been robbing me of the joys of motherhood ever since my children were tiny.

My firstborn son started suffering at the hands of the moral little thugs from your moral, upright families from the time he was in the first grade. He was physically and verbally abused from first grade straight through high school because he was perceived to be gay.

He never professed to be gay or had any association with anything gay, but he had the misfortune not to walk or have gestures like the other boys. He was called ''fag'' incessantly, starting when he was 6.

In high school, while your children were doing what kids that age should be doing, mine labored over a suicide note, drafting and redrafting it to be sure his family knew how much he loved them. My sobbing 17-year-old tore the heart out of me as he choked out that he just couldn't bear to continue living any longer, that he didn't want to be gay and that he couldn't face a life without dignity.

You have the audacity to talk about protecting families and children from the homosexual menace, while you yourselves tear apart families and drive children to despair. I don't know why my son is gay, but I do know that God didn't put him, and millions like him, on this Earth to give you someone to abuse. God gave you brains so that you could think, and it's about time you started doing that.

At the core of all your misguided beliefs is the belief that this could never happen to you, that there is some kind of subculture out there that people have chosen to join. The fact is that if it can happen to my family, it can happen to yours, and you won't get to choose. Whether it is genetic or whether something occurs during a critical time of fetal development, I don't know. I can only tell you with an absolute certainty that it is inborn.

If you want to tout your own morality, you'd best come up with something more substantive than your heterosexuality. You did nothing to earn it; it was given to you. If you disagree, I would be interested in hearing your story, because my own heterosexualtiy was a blessing I received with no effort whatsoever on my part. It is so woven into the very soul of me that nothing could ever change it. For those of you who reduce sexual orientation to a simple choice, a character issue, a bad habit or something that can be changed by a 10-step program, I'm puzzled. Are you saying that your own sexual orientation is nothing more than something you have chosen, that you could change it at will? If that's not the case, then why would you suggest that someone else can?

A popular theme in your letters is that Vermont has been infiltrated by outsiders. Both sides of my family have lived in Vermont for generations. I am heart and soul a Vermonter, so I'll thank you to stop saying that you are speaking for ''true Vermonters.''

You invoke the memory of the brave people who have fought on the battlefield for this great country, saying that they didn't give their lives so that the ''homosexual agenda'' could tear down the principles they died defending. My 83-year-old father fought in some of the most horrific battles of World War II, was wounded and awarded the Purple Heart.

He shakes his head in sadness at the life his grandson has had to live. He says he fought alongside homosexuals in those battles, that they did their part and bothered no one. One of his best friends in the service was gay, and he never knew it until the end, and when he did find out, it mattered not at all. That wasn't the measure of a man.

You religious folk just can't bear the thought that as my son emerges from the hell that was his childhood he might like to find a lifelong companion and have a measure of happiness. It offends your sensibilities

that he should request the right to visit that companion in the hospital, to make medical decisions for him or to benefit from tax laws governing inheritance.

How dare he? you say. These outrageous request would threaten the very existence of your family, would undermine the sanctity of marriage.

You use religion to abdicate your responsibility to be thinking human beings. There are vast numbers of religious people who find you attitudes repugnant. God is not for the privileged majority, and God knows my son has committed no sin.

The deep-thinking author of a letter to the April 12 Valley News who lectures about homosexual sin and tells us about ''those of us who have been blessed with the benefits of a religious upbringing'' asks: ''What ever happened to the idea of striving ... to be better human beings than we are?''

Indeed, sir, what ever happened to that?

(Sharon Underwood lives in White River Junction, VT)

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. FORD. Mr. Speaker, on Thursday, May 18, I was unable to cast a vote for final passage on H.R. 4205, the National Defense Authorization Act for FY 2001 and 6 amendments.

For rollcall vote No. 202, the Skelton amendment, I would have voted ''yes.''

For rollcall vote No. 203, the Sanchez amendment, I would have voted ''yes.''

For rollcall vote No. 204, the Moakley amendment, I would have voted ''yes.''

For rollcall vote No. 205, the Cox amendment, I would have voted ''yes.''

For rollcall vote No. 206, the Buyer substitute amendment to the Taylor amendment, I would have voted ''no.''

For rollcall vote No. 207, the Taylor amendment, I would have voted ''yes.''

For rollcall vote No. 208, Final Passage of H.R. 4205, I would have voted ''yes.''

Mr. Speaker, on Monday, May 22, I was unable to cast votes for H.R. 3852, the deadline extension for construction of a hydroelectric project in Alabama, S. 1236, the deadline extension for construction of the Arrowrock Dam hydroelectric project in Idaho, and H. Con. Res. 302, concerning a National Moment of Remembrance to Honor Men and Women of the U.S. Who Died in Pursuit of Freedom and Peace.

For rollcall vote No. 211, H.R. 3852, I would have voted ''yes.''

For rollcall vote No. 212, S. 1236, I would have voted ''yes.''

For rollcall vote No. 213, H. Con. Res. 302, I would have voted ''yes.''

Daily Digest

HIGHLIGHTS

The House passed H.R. 4392, Intelligence Authorization Act for FY 2001

The House also passed 11 measures including bills to authorize a Congressional Gold Medal to be awarded to Pope John Paul II and to designate the State Department Headquarters as the "Harry S Truman Federal Building."

Senate

Chamber Action

Routine Proceedings, pages S4241–S4335

Measures Introduced: Fourteen bills and seven resolutions were introduced, as follows: S. 2602–2615, S. Res. 309–313, and S. Con. Res. 114–116.

Pages S4296–97

Measures Reported: Reports were made as follows:

H.R. 2260, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, with an amendment in the nature of a substitute. (S. Rept. No. 106–299)

S. 1089, to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, with an amendment in the nature of a substitute. (S. Rept. No. 106–300)

S. 2327, to establish a Commission on Ocean Policy. (S. Rept. No. 106–301)

H.R. 1651, to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, with an amendment. (S. Rept. No. 106–302)

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals, Fiscal Year 2001". (S. Rept. No. 106–303)

S. 2603, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001. (S. Rept. No. 106–304)

S. 2089, to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, with an amendment in the nature of a substitute. **Page S4296**

Measures Passed:

Commending Israel Redeployment: Senate agreed to S. Con. Res. 116, commending Israel's redeployment from southern Lebanon. **Pages S4327–28**

Honoring Members of U.S. Marine Corps: Senate agreed to S. Res. 310, honoring the 19 members of the United States Marine Corps who died on April 8, 2000, and extending the condolences of the Senate on their deaths. **Pages S4328–29**

Women-Owned Small Business Opportunities: Senate agreed to S. Res. 311, to express the sense of the Senate regarding Federal procurement opportunities for women-owned small businesses. **Pages S4330–34**

Senate Legal Representation: Senate agreed to S. Res. 312, to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han. **Page S4334**

Senate Legal Representation: Senate agreed to S. Res. 313, to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al. **Page S4334**

National Child's Day: Senate agreed to S. Res. 296, designating June 4, 2000, as "National Child's Day", after agreeing to a committee amendment. **Pages S4334–35**

Nominations Considered: Senate began consideration of the nominations of Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission, Timothy B. Dyk, of the District of Columbia, to be a United States Circuit Judge for the Federal Circuit, and Gerard E. Lynch, to be a United States District Judge for the Southern District of New York. **Pages S4255–90**

A unanimous-consent time agreement was reached providing for further consideration of the aforementioned nominations and certain other nominations, on Wednesday, May 24, 2000, with votes to occur thereon. **Pages S4241–42**

Legislative Branch Appropriations Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 2603, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, on Wednesday, May 24, 2000, at 11 a.m. **Page S4335**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

Investment Treaty with Bahrain (Treaty Doc. No. 106–25);

Investment Treaty with Bolivia (Treaty Doc. No. 106–26);

Investment Treaty with Honduras (Treaty Doc. No. 106–27);

Investment Treaty with El Salvador (Treaty Doc. No. 106–28);

Investment Treaty with Croatia (Treaty Doc. No. 106–29);

Investment Treaty with Jordan (Treaty Doc. No. 106–30);

Investment Treaty with Mozambique (Treaty Doc. No. 106–31).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and were ordered to be printed. **Pages S4329–30**

Appointment:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Budapest, Hungary, May 26–30, 2000: Senators Grassley (Acting Chairman), Specter, Enzi, and Voinovich. **Page S4334**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report entitled the ''Agreement on Social Security Between the United States of America and the Republic of Chile''; to the Committee on Finance. (PM–108) **Page S4295**

Transmitting, pursuant to law, a report entitled the ''Agreement Between the United States of America and the Republic of Korea on Social Security''; to the Committee on Finance. (PM–109) **Pages S4295–96**

Nominations Received: Senate received the following nominations:

Don Harrell, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2002.

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy. (New Position)

Jayne G. Fawcett, of Connecticut, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2006.

1 Navy nomination in the rank of admiral. **Page S4335**

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:

Nicholas P. Godici, of Virginia, to be an Assistant Commissioner of Patents and Trademarks, which was sent to the Senate on January 31, 2000.

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research, which was sent to the Senate on April 13, 2000. **Page S4335**

Messages From the President: **Pages S4295–96**

Messages From the House: **Page S4296**

Measures Referred: **Page S4296**

Statements on Introduced Bills: **Pages S4297–S4321**

Additional Cosponsors: **Pages S4321–23**

Notices of Hearings: **Page S4327**

Authority for Committees: **Page S4327**

Additional Statements: **Pages S4290–95**

Privileges of the Floor: **Page S4327**

Adjournment: Senate convened at 9:31 a.m., and adjourned at 7:01 p.m., until 10 a.m., on Wednesday, May 24, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4335.)

Committee Meetings

(Committees not listed did not meet)

STRATEGIC NUCLEAR FORCE

Committee on Armed Services: Committee concluded open and closed hearings on United States strategic nuclear force requirements, after receiving testimony from Walter B. Slocombe, Under Secretary of Defense for Policy; Gen. Henry H. Shelton, USA, Chairman, Joint Chiefs of Staff; Gen. Eric K. Shinseki, USA, Chief of Staff, United States Army;

Adm. Jay L. Johnson, USN, Chief of Naval Operations; Gen. James L. Jones, Jr., USMC, Commandant of the Marine Corps; Gen. Michael E. Ryan, USAF, Chief of Staff, United States Air Force; and Adm. Richard W. Mies, USN, Commander in Chief, United States Strategic Command.

HUD HOMELESS ASSISTANCE PROGRAMS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded hearings to examine the consolidation of HUD's homeless assistance programs, focusing on the requirements and administration of the Emergency Shelter Grants program, the Supportive Housing program, the Shelter Plus Care program, and the Section 8 Single-Room Occupancy program and the potential need for program consolidation, after receiving testimony from Stanley J. Czerwinski, Associate Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; Fred Karnas, Deputy Assistant Secretary of Housing and Urban Development for Special Needs Programs; Barbara Richardson, Rockford Department of Community Development, Rockford, Illinois, on behalf of the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties; William C. Shelton, Virginia Department of Housing and Community Development, Richmond, on behalf of the Council of State Community Development Agencies; John Parvensky, Colorado Coalition for the Homeless, Denver; Richard H. Godfrey, Jr., Rhode Island Housing and Mortgage Finance Corporation, Providence, on behalf of the National Council of State Housing Agencies; and Nan P. Roman, National Alliance to End Homelessness, Washington, D.C.

HYDROELECTRIC LICENSING PROCESS IMPROVEMENT

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, after receiving testimony from David J. Hayes, Deputy Secretary of the Interior; James J. Hoecker, Chairman, Federal Energy Regulatory Commission, Department of Energy; Dennis C. Lewis, Petersburg Municipal Power and Light, Petersburg, Alaska; Andrew Fahlund, American Rivers, Washington, D.C., on behalf of the Hydropower Reform Coalition; Terry Hudgens, PacifiCorp, and Randy Settler, Yakama Nation, on behalf of the Columbia River Inter-Tribal Fish Commission, both of Portland, Oregon; Lionel Topaz, Grant County Public Utility District, Ephrata, Washington; and Kevin Snape, Clean Air Conservancy, Cleveland Heights, Ohio.

WATER RESOURCE DEVELOPMENT

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded hearings to examine programs related to the proposed Water Resources Development Act of 2000, include the Puget Sound Restoration Project, the Port of New York and New Jersey Project, the Ohio River Project, Brownfields revitalization, and the National Shore Protection Act of 1996, after receiving testimony from Joseph W. Westphal, Assistant Secretary of the Army for Civil Works; Mayor Dannel Malloy, Stamford, Connecticut, on behalf of the National Association of Local Government Environmental Professionals; Doug Sutherland, Pierce County Executive's Office, Tacoma, Washington; Lillian Borrone, Port Authority of New York and New Jersey, New York, New York; R. Barry Palmer, Association for the Development of Inland Navigation in America's Ohio Valley, Pittsburgh, Pennsylvania; and Howard D. Marlowe, American Coastal Coalition, Washington, D.C.

IMF AND WORLD BANK REFORM

Committee on Foreign Relations: Committee concluded hearings on International Monetary Fund and World Bank reform issues, focusing on the International Financial Institution Advisory Commission report, after receiving testimony from Allan H. Meltzer, Carnegie Mellon University and the American Enterprise Institute, Charles W. Calomiris, Columbia University School of International and Public Affairs and the American Enterprise Institute, and Jerome I. Levinson, American University Washington College of Law, all of Washington, D.C., all on behalf of the International Financial Institution Advisory Commission.

IRS RESTRUCTURING

Committee on Small Business: Committee held hearings on Internal Revenue Service restructuring issues, focusing on IRS efforts to reduce the taxpayer burden of the small business community, receiving testimony from Charles O. Rossotti, Commissioner, Internal Revenue Service, Department of the Treasury; Cornelia M. Ashby, Associate Director, Tax Policy and Administration Issues, General Government Division, General Accounting Office; and Sandra A. Abalos, Abalos and Associates, Phoenix, Arizona, and Roy M. Quick, Jr., Quick Tax and Accounting Service, St. Louis, Missouri, both on behalf of the IRS Electronic Tax Administration Advisory Committee.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 4515–4527; and 2 resolutions, H. Con. Res. 333 and H. Res. 509, were introduced. **Pages H3648–49**

Reports Filed: Reports were filed today as follows:

H.R. 297, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, amended (H. Rept. 106–633);

H.R. 2498, to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices, amended (H. Rept. 106–634);

H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 (H. Rept. 106–635);

H. Res. 510, providing for consideration of H.R. 3916, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services (H. Rept. 106–636);

H. Res. 511, providing for consideration of H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China (H. Rept. 106–637); and

H.R. 2764, to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, amended (H. Rept. 106–638). **Page H3648**

Recess: The House recessed at 9:41 a.m. and reconvened at 10:00 a.m. **Page H3532**

Intelligence Authorization Act for FY 2001: The House passed H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Disability System. **Pages H3535–37**

Agreed to the Committee amendment in the nature of a substitute made in order by the rule. **Page H3537**

Agreed To:

Traficant amendment, No. 3 printed in the Congressional Record debated on Monday, May 22, that requires a report on the effects of foreign espionage on United States trade secrets (agreed to by a recorded vote of 407 ayes to 1 no, Roll No. 215); and **Page H3536**

Traficant amendment, No. 4 printed in the Congressional Record debated on Monday, May 22, that requires a report within 60 days by the Director of Central Intelligence on whether the policies and goals of the People's Republic of China constitute a threat to our national security (agreed to by a recorded vote of 404 ayes to 8 noes, Roll No. 216). **Pages H3536–37**

Rejected the Roemer amendment, No. 1 printed in the Congressional Record debated on Monday, May 22, that sought to require an annual statement of the total amount of intelligence expenditures for the preceding fiscal year (rejected by a yea and nay vote of 175 yeas to 225 nays, Roll No. 214. **Pages H3535–36**

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill. **Page H3537**

House agreed to H. Res. 506, the rule that provided for consideration of the bill on May 19.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Lewis and Clark Rural Water System: H.R. 297, amended, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system (passed by a yea and nay vote of 400 yeas to 13 nays, Roll No. 217). The Clerk was authorized to make technical and conforming changes in the engrossment of the bill; **Pages H3538–40, H3581–82, H3583**

Raising of the United States Flag in American Samoa: H. Res. 443, amended, expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa (agreed to by a yea and nay vote of 417 yeas with none voting "nay", Roll No. 218); **Pages H3540–43, H3582–83**

Pope John Paul II Congressional Gold Medal: H.R. 3544, amended, to authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding (passed by a yea and nay vote of 416 yeas to 1 nay, Roll No. 219). Agreed to amend the title; **Pages H3543–48, H3583**

Veterans and Dependents Millennium Education Act: S. 1402, amended, to amend title 38, United States Code, to enhance programs providing education benefits for veterans (passed by a yea and nay vote of 417 yeas to 3 nays, Roll No. 220). Agreed to amend the title; **Pages H3548–58, H3593–94**

Recognition of World War II Minority Veterans: H.J. Res. 98, 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. Subsequently the House passed S.J. Res. 44, a similar Senate-passed bill—clearing the measure for the President. H.J. Res. 98 was then laid on the table; **Pages H3558–63**

International Child Abduction: H. Con. Res. 293, amended, urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction (agreed to by a recorded vote of 416 ayes with none voting "no", Roll No. 221); **Pages H3564–68, H3594–95**

INS Data Management Improvement: H.R. 4489, to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; **Pages H3568–76**

Private Mortgage Insurance Technical Corrections and Clarification: H.R. 3637, to amend the Homeowners Protection Act of 1998 to make certain technical corrections; **Pages H3578–81**

Cardiac Arrest Survival Act: H.R. 2498, amended, to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices (passed by a yea and nay vote of 415 yeas to 2 nays, Roll No. 222; and **Pages H3584–88, H3595**

Harry S Truman Federal Building: H.R. 3639, amended, to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building" (passed by a yea and nay vote of 413 yeas with none voting "nay", Roll No. 223). **Pages H3588–93, H3595–96**

Hmong Veterans' Naturalization Act of 2000: The House agreed to the Senate amendment to H.R. 371, to expedite the naturalization of aliens who served with special guerrilla units in Laos—clearing the measure for the President. **Pages H3576–78**

First Sponsor of Captive Exotic Animal Protection Act: Agreed that Representative Franks of New Jersey be hereafter considered as the first sponsor of H.R. 1202, to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals, a bill originally introduced by the late Representative George Brown of California, for the purpose of adding cosponsors and requesting printings under clause 7 of rule 12. **Page H3563**

Normal Trade Relations Treatment to China: The House completed two hours of debate on H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China pursuant to a unanimous consent request. Consideration will resume on Wednesday, May 24. **Pages H3596–H3615**

Earlier, agreed that it be in order to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill; that the first reading be dispensed with; that all points of order against its consideration be waived; that general debate proceed without intervening motion, be confined to the bill, and be limited to two hours equally divided among and controlled by the Chairman and ranking minority member of the Committee on Ways and Means, Representative Stark or his designee, and Representative Rohrabacher or his designee; that after debate the Committee of the Whole rise without motion; and that no further consideration of the bill be in order except pursuant to a subsequent order of the House. **Page H3593**

Amendments: Amendments ordered printed pursuant to the rule appear on page H3650.

Quorum Calls—Votes: Six yea and nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H3535–36, H3536, H3537, H3581–82, H3582–83, H3583, H3593–94, H3594–95, H3595, and H3595–96. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at midnight.

Committee Meetings

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies approved for full Committee action the VA, HUD and Independent Agencies appropriations for fiscal year 2001.

U.S.—TERRORIST THREATS

Committee on Armed Services: Special Oversight Panel on Terrorism held a hearing on terrorist threats to

the United States. Testimony was heard from public witnesses.

CHINA—PERMANENT NORMAL TRADE RELATIONS

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing entitled: "PNTR: Opening the World's Biggest Potential Market to American Financial Services Competition." Testimony was heard from public witnesses.

DEPARTMENT OF ENERGY—WHISTLEBLOWERS

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing entitled: "Whistleblowers at Department of Energy Facilities: Is There Really 'Zero Tolerance' for Contractor Retaliation?" Testimony was heard from Mary Anne Sullivan, General Counsel, Department of Energy; Joe Gutierrez, Assessor, Audits and Assessment Division, Los Alamos National Laboratory; and public witnesses.

INTERNET—OBSCENE MATERIAL AVAILABLE

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Obscene Material Available via the Internet. Testimony was heard from Alan Gershel, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

WEALTH THROUGH THE WORKPLACE ACT

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations approved for full Committee action H.R. 3462, Wealth Through The Workplace Act of 2000.

SECRET EVIDENCE REPEAL ACT

Committee on the Judiciary: Held a hearing on H.R. 2121, Secret Evidence Repeal Act of 1999. Testimony was heard from Representatives Campbell and Bonior; the following officials of the Department of Justice: Larry R. Parkinson, General Counsel, FBI; and Bo Cooper, General Counsel, Immigration and Naturalization Service; and pubic witnesses.

OVERSIGHT—FEDERAL PUBLIC LANDS POLICIES

Committee on Resources: Held an oversight hearing on Funding of Environmental Initiatives and their Influence on Federal Public Lands Policies. Testimony was heard from public witnesses.

BISCAYNE NATIONAL PARK

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on H.R. 3033, to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida. Testimony was heard from Representatives Ros-Lehtinen, Meek of Florida, Hastings of Florida and Shaw; Denis Galvin, Deputy Director, National Park Service, Department of the Interior; and public witnesses.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT—WATER CONVEYANCE

Committee on Resources: Subcommittee on Water and Power held a hearing on H.R. 4389, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District. Testimony was heard from Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

CHINA—NORMAL TRADE RELATIONS TREATMENT

Committee on Rules: Granted, by voice vote, a closed rule providing three hours of debate on H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, equally divided among and controlled by the chairman and ranking member of the Committee on Ways and Means, Representative Stark of California, and Representative Rohrabacher of California. The rule provides that, in lieu of the committee amendment in the nature of a substitute recommended by the Committee on Ways and Means, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying the rule shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Crane, English, Bereuter, Hunter, Weldon of Pennsylvania, Levin, Cardin, Markey, Berman, Pelosi and Sherman.

REPEAL EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATION SERVICES

Committee on Rules: Granted, by voice vote, a closed rule on H.R. 3916, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services providing one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted upon adoption of the resolution. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Towns and Wynn.

TECHNOLOGY TRANSFER

Committee on Science: Subcommittee on Technology held a hearing on Technology Transfer Challenges and Partnerships: A Review of the Department of Commerce's Biennial Report on Technology Transfer. Testimony was heard from Kelly H. Carnes, Assistant Secretary, Technology Policy, Technology Administration, Department of Commerce; and public witnesses.

Joint Meetings

RUSSIA HUMAN RIGHTS ABUSES

Commission on Security and Cooperation in Europe: Commission concluded hearings to examine human rights abuses in Russia, focusing on an attack on the Media-Most headquarters in Moscow by armed government security agents, alleged illegally acquired tapes and transcripts, and the war in Chechnya, after receiving testimony from Lt. Gen. William Odom (Ret.), Hudson University, Washington, D.C., former head of the National Security Agency; Igor Malashenko, Media-Most, Moscow, Russia; Sarah Mendelson, Tufts University Fletcher School of Law and Diplomacy, Boston, Massachusetts; Georgi Derlugian, Northwestern University Department of Sociology, Chicago, Illinois; and Rachel Denber, Human Rights Watch, New York, New York.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 24, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings on the nomination of General John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up S. 2107, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission; S. 2266, to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; S. 2453, to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity; the nomination of Richard Court Houseworth, of Arizona, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring December 25, 2001; and the nomination of Nuria I. Fernandez, of Illinois, to be Federal Transit Administrator, 10 a.m., SD–538.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 9:30 a.m., SD–366. Subcommittee on Water and Power, to hold hearings on S. 2163, 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; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding , storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 2123, to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; and S. 2181, to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings on the nomination of Marc Grossman, of Virginia, to be Director General of the Foreign Service, Department of State, 9:30 a.m., SD–419.

Committee on Indian Affairs: to hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, 2:30 p.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold oversight hearings to examine the 1996 campaign finance investigations, 9 a.m., SD–226.

House

Committee on Appropriations, to mark up the Labor, Health and Human Services, and Education appropriations for fiscal year 2001, 9:30 p.m., 2359 Rayburn.

Committee on Banking and Financial Services, hearing on Predatory Lending Practices, 9:30 a.m., 2128 Rayburn.

Committee on the Budget, Education Task Force, hearing on "Education Department Fails Accounting101: The Department of Education's Unreliable Financial Records," 10 a.m., 210 Cannon.

Natural Resources and the Environment Task Force, hearing on "Management Failures at the National Parks, Oversight Weaknesses with Concession Contracts," 2 p.m., 210 Cannon.

Committee on Commerce, Subcommittee on Energy and Power, hearing on National Energy Policy: Ensuring Adequate Supply of Natural Gas and Crude Oil, 10 a.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on "DoD Chemical and Biological Defense Program: Management and Oversight," 10 a.m., 2247 Rayburn.

Committee on International Relations, hearing on the U.S. Commission on International Religious Freedom: First Annual Report, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 2987, Methamphetamine Anti-Proliferation Act of 1999; H.R. 3048, Presidential Threat Protection Act of 1999; H.R. 4108, Secure Our Schools Act; H.R. 4391, Mobile Telecommunications Sourcing Act; H.R. 3489, Wireless Telecommunications Sourcing and Privacy Act; and S. 1515. Radiation Exposure Compensation Act Amendments of 1999, 10 a.m., 2141 Rayburn.

Committee on Resources, to consider the following bills: S. 1211, to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; S. 1629, Oregon Exchange Act of 2000; H.R. 1775, Estuary Habitat Restoration Partnership Act of 1999; 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; H.R. 3023, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; H.R. 3176, to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii; 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; H.R. 3291, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act; H.R. 3292, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; H.R. 3468, Duchesne City Water Rights Conveyance Act; H.R. 3535, Shark Finning Prohibition Act; H.R. 3999, Virgin Islands and Guam Constitutional Self-Government Act of 2000; H.R. 4070, to direct the Secretary of the Interior to correct a map relating to the coastal Barrier Resources System Unit P31, located near the city of Mexico Beach, Florida; H.R. 4132, to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984; and H.R. 4435, to clarify certain boundaries on the map relating to Unit NCO1 of the Coastal Barrier Resources System, 11 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 1304, Quality Health-Care Coalition Act of 1999, 2 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on U.S. Bilateral Space Launch Trade Agreements, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing on "Online Music: Will Small Music Labels and Entrepreneurs Prosper in the Internet Age?" 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on the Disposal of Obsolete Maritime Administration Vessels, 10 a.m., 21267 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Wednesday, May 24

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will begin consideration of S. 2603, Legislative Branch Appropriations. Also, Senate will resume consideration of certain nominations with votes to occur thereon.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, May 24

House Chamber

Program for Wednesday: Consideration of H.R. 4444, Extending Normal Trade Relations Treatment to China. (closed rule, 3 hours of debate).

Extensions of Remarks, as inserted in this issue

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