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House of Representatives

The House met at 10 a.m.

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

Lord, You have said:

''Whoever believes shall not be put to shame.''

Strengthen us in faith, O Lord.

May we hold in high value the faith of Your people.

May the laws of this land and the concerns of this chamber protect and never diminish the free exercise of the faith of this Nation.

Make us steadfast in addressing doubt and confusion.

Give us compassion so as to guide those who are weak in their convictions.

Form out of us a haven for those who lose hope because of injustice.

Lord, may we be creative in restoring hope, persistent in making right judgments, and persevering in speaking the truth.

For You are the perfector of our faith now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. HUTCHINSON) come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 1419. An act to amend title 36, United States Code, to designate May as ''National Military Appreciation Month''.

S. 2311. An act 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 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair will entertain 1 minute requests.

DEATH TAX SHOULD BE REPEALED

(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, Woody Allen once said that ''death should not be viewed as the end, but as a very effective way to cut down expenses.''

Well, unfortunately, this maxim just does not hold true. Currently, at the time of death, Americans are assessed an additional tax on the value of their property known as the death tax. This added expense is why over 70 percent of the family businesses do not survive to the second generation.

Mr. Speaker, it is simply shameful that the Federal Government requires an American to pay up to 60 percent of their savings, their businesses, or their farm in taxes when they die. Therefore, I encourage all of my colleagues to support H.R. 8 which will eliminate the unfair death tax over the next 10 years. Americans should not have to mourn the loss of a family, a business, or a farm in addition to the loss of a loved one.

It is time to bury the death tax once and for all.

MEDICARE TO COVER CLINICAL TRIALS

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

Mr. BENTSEN. Mr. Speaker, I rise today to praise President Clinton for acting today to ensure that senior citizens have access to clinical trials identical to legislation, H.R. 61, which I have sponsored.

The President's Executive Order announced this morning will ensure that Medicare will cover the routine costs associated with clinical trials. This action is long overdue and will ensure that 39 million Medicare beneficiaries get access to cutting-edge treatments which save lives.

Clinical trials are research projects which test new therapies and treatments. It is especially significant that this initiative ensures access to all types of clinical trials, not just cancer, in the same manner as my legislation would.

Under current law, Medicare does not provide coverage for routine patient costs associated with clinical trials. As a result, many senior citizens do not participate in these trials because they cannot afford to pay the out-of-pocket costs. Today, only 1 percent of senior citizens participate in clinical trials, yet seniors disproportionately face these diseases, such as cancer, Alzheimer's, heart disease, and diabetes.

This initiative is the right thing to do for our seniors. With more participation by seniors, researchers will discover treatments at a more rapid pace, because more participation will yield scientifically valid data to test the protocols being developed.

I praise the President for this action.

ELIMINATION OF DEATH TAX IS RIGHT FOR AMERICA

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

Mr. HUTCHINSON. Mr. Speaker, Benjamin Franklin said that the only thing certain in life were death and taxes, but I do not even think Ben Franklin could have foreseen that death and taxes would eventually come hand in hand. Yet, for too many years, the death tax has been punishing Americans simply for dying.

Because of the death tax, many Americans are denied the opportunity to pass on their life's work to their children or grandchildren. This unfair tax is especially hard on small business owners and farmers. Nine out of 10 American businesses are owned by families, and these families should have the right to keep their business. In Arkansas, because of the death tax, many farmers and small business owners must take out expensive life insurance policies to help their families cope with the tax burden. Instead of enjoying their retirement years, these Arkansans must worry about the government taxing their family into the ground.

This week, the House will be voting on the Death Tax Elimination Act, a bill that is long overdue. Eliminating the death tax is the right thing to do for American families, American farmers, and American small business owners.

AMERICANS NEED AFFORDABLE, QUALITY DAY CARE

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

Mrs. MALONEY of New York. Mr. Speaker, in 7 out of 10 families, both parents work. The supply of day care is not adequate to the need. In New York City alone, over 37,000 families are on the waiting list for subsidized day care.

Yesterday, I joined Vice President GORE, Mrs. Gore, and Rosie O'Donnell at a day care center in my district where Vice President GORE outlined his plans to expand access and quality of day care. Vice President GORE would help parents afford child care by expanding the child care tax credit for families with two working parents and where one parent stays at home. He would increase the child care development block grant so that more families could afford child care. His Ready to Learn plan would provide funding for States that develop better training and raise standards.

Mr. Speaker, difficult challenges require creative solutions. The Vice President's plan, his 4-year plan, would expand affordable, available, quality day care.

TAX ON DYING SHOULD BE REPEALED

(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, I rise to request truth in advertising.

Is America not the land of opportunity? Is not the sweat of our brow, the work of our hands supposed to be all that is required to succeed in this country? Well, that may be the case until the farm or the family business is ready to be passed to the next generation.

A family-owned farm or business stands to lose more than half of everything to the Federal estate tax, which is really a tax on death. Mr. Speaker, 70 percent of families are forced to sell or abandon businesses after one generation because of death taxes. Only 13 percent survive to the third generation.

Farmland is disappearing in America by millions of acres. Mr. Speaker, how can we expect the people to work hard and achieve the American dream if we are just going to take it from them in the end?

When a business closes, jobs are lost; on an average, 30 jobs for every small business liquidated due to death taxes. Our national productivity suffers. On the other hand, 60 percent of business owners say they would add jobs if the estate tax was repealed, and that is just what we ought to do.

Mr. Speaker, let us get rid of this terrible tax on dying.

WORLD TRADE ORGANIZATION SIDES WITH JAPAN ON ILLEGAL STEEL DUMPING

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

Mr. TRAFICANT. Mr. Speaker, the World Trade Organization ruled that an 84-year-old American law duly passed by Congress, designed to stop illegal dumping was, in fact, no longer legal. The WTO sided with Japanese steel imports saying that the American law is a violation of international trade.

Unbelievable. Illegal steel-dumping is killing America, and these sons of bachelors, believe me, side with Japan dumping.

Beam me up, Mr. Speaker. I thought America won the war. I yield back a $320 billion trade deficit, most of it going to Japan, and the Chinese Red Army.

PRESERVE THE AMERICAN DREAM BY VOTING TO REPEAL DEATH TAX

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

Mr. BARTLETT of Maryland. Mr. Speaker, in a movie called Meet Joe Black, Death disguises himself as a young man named Joe Black so as to better observe life on Earth. While watching a dinner party, one guest remarks to another that the only 2 certainties in life are death and taxes. Joe Black responds, death and taxes, what an interesting pairing.

For years, the IRS has thought so too. Americans are currently subjected to the death tax, a law that taxes families up to 60 percent of their loved one's savings, or the worth of their farm or family business, upon their death. This unfair tax prevents more than 70 percent of America's small businesses and family farms being passed from one generation to the text.

This week, the House will vote on legislation to repeal the death tax. I urge my colleagues to support preserving the American dream by voting to end the death tax.

□ 1015

BIPARTISAN HATE CRIMES PREVENTION ACT

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

Mr. LAMPSON. Mr. Speaker, I rise today in support of a bipartisan Hate Crimes Prevention Act and also to mark the second anniversary of the murder of James Byrd in Jasper, Texas. We must continue to fight to end the racial stereotypes that create misunderstanding and prejudice that lead to such acts of violence. Congress must work to change attitudes, laws, and institutions for the good of all Americans and reject the voices of hate and separatism.

By passing H.R. 1082, Congress can reaffirm our Nation's commitment to the true American dream: an integrated society rich in diversity and open equally to all. Thank goodness that we no longer see signs that read ''white'' and ''colored.'' The voters' booth and the schoolhouse door now swing open for everyone. However, while much has been accomplished, more needs to be done.

Mr. Speaker, we cannot rest until we solve the oldest, most stubborn, most painful challenge of our Nation: the continuing challenge of race. We must not be finished with seeking peace or justice or freedom equality, human dignity or reconciliation. We must continue to cry out for equality and justice. Because if we are silent, another innocent citizen like James Byrd, Jr., may be brutally beaten or savagely murdered.

We must not rest, nor must we fail to act. Passing H.R. 1082 will be a victory for every American and bring our Nation one step closer to the American dream. Mr. Speaker, it is a Federal crime to seize an automobile. Let us make it one to kill a man because of the color of his skin.

REPEAL OF THE DEATH TAX

(Ms. DUNN asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, this week the House will vote on H.R. 8, the Death Tax Elimination Act, a bipartisan bill supported by 244 Members of the House, including 46 Democrats and one Independent.

Mr. Speaker, repeal of the death tax is supported by a huge coalition of folks all over this country. The Black Chamber of Commerce, the Hispanic Chamber of Commerce, the National Indian Business Association, many environmental groups and the National Association of Women Business Owners.

Twenty-five years ago, women were given access to business loans. Now, many are struggling to pass their life's work on to their children. According to their most recent study, women business owners spend an average of $1,000 a month on estate planning just to prepare for the death tax and keep the family business in the family. With 44 million Americans without health insurance, a majority of them working for small businesses, that $1,000 a month could go a long way toward providing benefits for employees.

Mr. Speaker, I urge my colleagues to support this important measure. Support repealing the unfair death tax.

CONGRESS MUST MAKE EDUCATION OUR TOP PRIORITY

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this Congress to get its priorities straight and invest in public education to strengthen America.

Yesterday, Microsoft's Bill Gates told the Joint Economic Committee, and I quote, ''Among the many high-tech issues before this Congress, none carries greater importance for our future economic vitality than education.'' I couldn't agree more.

But this week, Mr. Speaker, this House will consider a bill that guts education funding to finance a massive irresponsible tax package. We should be investing in education so that America can compete and win in the New Economy, but this misguided bill cuts education by $2.9 billion, with a ''b.''

The bill cuts $1 billion in targeted investments to improve teacher quality and recruit new teachers. The bill repeals 100,000 new teachers planned to reduce class sizes, many of whom are now teaching. The bill rejects the administration's plan to renovate 5,000 school facilities that need urgent safety and health repairs. It cuts 53,000 poor children from Head Start, and the list goes on.

Mr. Speaker, I am for responsible tax relief for our families, but we ought not to cut taxes on the backs our children and jeopardize America's competitive economic opportunities.

DEATH TO THE DEATH TAX

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

Mr. HAYWORTH. Mr. Speaker, I welcome people of all points of view to this Chamber and to this well, but facts are stubborn things.

Perhaps if the Washington bureaucrats at the Department of Education were better educated in mathematics, they could tell us where $18 billion appropriated by this Congress ended up. Here is a major hint: it did not end up in the classroom helping teachers teach and helping children learn.

So when we have the litany of shame, remember the real shame is the people who ask for more and more and yet less and less responsibility in actually helping our children learn with the money we send to Washington.

Mr. Speaker, another case in point: a lady now in her 80s, dependent on Social Security. Twenty years ago, her husband died and the IRS came to her and said she owed Uncle Sam $800,000. The family business was sold.

Is that compassionate? Is that an irresponsible thing? I think it is irresponsible, not compassionate. Let us put the death tax to death and ask for more responsibility.

HATE CRIMES PREVENTION ACT: AN IDEA WHOSE TIME HAS COME

(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 to urge the House to take action on the Hate Crimes Prevention Act of 1999.

Today marks the second anniversary of the death of James Byrd, Jr., who was maliciously dragged from a speeding car along a back road in Jasper, Texas. His murderers had no problem with him other than the fact that he was black.

The Hate Crimes Act will protect individuals like James Byrd and others who have been attacked because of race, color, sexual orientation, religion, gender, or disability. In our society, rich with diversity, the desire for peaceful living is uppermost. It is past time for Congress to set and maintain civilized standards of peaceful diversity.

Hate crimes, like any other crime, should be unallowable and punished. Innocent people should not be allowed to be reaped upon just because of their race, color or gender.

Mr. Speaker, this is an idea whose time has come. I urge its immediate consideration and passage.

NO TAXATION WITHOUT RESPIRATION

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

Mr. SCHAFFER. Mr. Speaker, we associate many symbols with death such as the Grim Reaper, tombstones, coffins, hearses and, of course, the IRS standing by any ordinary American who draws on his last breath.

Americans who work their entire lives to leave their families a savings account, farm, or small business are robbed at death by Federal taxes that devour 37 to 55 percent of everything they created. In the cruelest of ironies, families are often forced to sell these well-intentioned gifts in order to afford the taxes.

Mr. Speaker, this week the Congress will decide on whether to repeal the death tax. It is an issue that transcends party politics.

The Colonists rallied around the slogan, ''No taxation without representation.'' This week let us agree: No taxation without respiration. May the death tax rest in peace.

HATE CRIMES: A FORM OF DOMESTIC TERRORISM

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

Ms. BALDWIN. Mr. Speaker, on this 2-year anniversary of the brutal dragging death of James Byrd, I rise to ask congressional leaders to let us vote on the Hate Crimes Prevention Act before we adjourn this year.

Hate crimes are meant to instill fear and that fear is not only targeted at the immediate victim of the crime, the fear is experienced by all members of the group.

Hate crimes are different from other violent crimes because they seek to terrorize an entire community. This sort of domestic terrorism demands a strong Federal response, because this country was founded on the premise that a person should be free to be who they are without fear of violence.

I know that hate crime bills cannot cure the hate that still resides within some in our country. But this legislation can provide more protection for victims and send an important message that hate crimes against any group are a serious national problem. Let us pass the Hate Crimes Prevention Act this year.

PRESERVING THE AMERICAN DREAM

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

Mr. CHABOT. Mr. Speaker, imagine an American working and sacrificing their entire life, hoping to one day be able to pass the fruits of their hard work on to their family. Then imagine that after they die, the Federal Government swoops down like an enormous vulture, grabs what they have earned and saved as if it is a carcass, and tosses the remains to their relatives.

That, Mr. Speaker, is the death tax. Every year, the death tax ravages

thousands of family-owned businesses and farms to the tune of $46 billion in tax penalties and administrative costs.

No American family should be forced to pay 60 percent of their savings and their business or their farm in taxes when a loved one dies. By repealing the death tax, we will help to preserve thousands of family-owned farms and small businesses across the country that will not have to be sold just to pay this onerous tax.

Mr. Speaker, we are not just ending a tax; we are attempting to preserve the American dream.

MILLIONS OF AMERICANS MUST CHOOSE BETWEEN FOOD OR MEDICINE

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

Mr. HALL of Ohio. Mr. Speaker, last week, I went on a hunger tour in Appalachia in parts of Ohio, Kentucky, and West Virginia; and I heard about a man by the name of Tom Nelson who is one of the tens of millions of poor Americans we do not see. He was a senior citizen who worked at a food bank in Huntington.

A few months ago, the food bank was not able to pay Mr. Nelson, in large measure because it had not received funding promised by the State for nearly a year. To stretch his Social Security check, Mr. Nelson tried to stretch his blood pressure medicine. The cause of his death was listed as a heart attack, but the truth is he died trying to feed his family.

The poorest 2½ percent of Americans rank with the poorest people in the world, according to the World Health Organization. I think the only thing more shameful than that is the fact that too few of us know about people like Mr. Nelson.

Mr. Speaker, this is the People's House, and I urge all of us, including the Nation's media, to look harder for the 30 million Americans who go hungry each year, and for many more who every day must make the choice Mr. Nelson made between paying for food or paying for medicine.

NEW MEXICO FIRES AND H.R. 1522

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

Mrs. CHENOWETH-HAGE. Mr. Speaker, at this time, devastating forest fires like this are burning vast areas in our Nation. Today, my subcommittee is having a timely joint hearing on fire management that begin on Federal lands.

Last year on this subject, I introduced H.R. 1522, which is a very simple bill designed to reduce fire risks like this in areas like Los Alamos, New Mexico, where the forest meets the town in the wildland urban interface.

Many of these forests are simply too dense, too crowded, with too many trees, after 100 years of fire prevention, to be treated by fire alone. My bill calls for thinning of forests to make it easier and safer to allow fires naturally to return without being destructive.

On February 9, 1999, at a hearing on my bill, the Clinton-Gore administration testified against this bill. They said that these kinds of treatments of thinning were simply unnecessary. A couple of weeks ago, Secretary Babbitt held a press conference where he announced that we need a new strategy to deal with fire risks in these urban-wildland interfaces, a strategy that calls for a combination of thinning and prescribed fire. What a revelation. We need this now.

MARKING THE SECOND ANNIVERSARY OF THE MURDER OF JAMES BYRD, JR.

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

Mr. DELAHUNT. Mr. Speaker, I join with my colleagues in marking the solemn anniversary of the senseless murder of James Byrd. Random acts of violence have become a tragic part of modern American life, but James Byrd was not selected at random. No, he was singled out for death solely because of his race.

Just as the youngsters at the Jewish day school in Los Angeles County were singled out because of their religion. Just as Matthew Shepard and Private First Class Barry Winchell were singled out because of their sexual orientation. They were not random victims. They were targeted not because of what they did or where they were, but because of who they were.

Each of these vicious acts was intended to send a message, a message of hatred and intimidation. Well, it is time for us to send a message in response. It is time to pass the Hate Crimes Prevention Act.

□ 1030

DEATH TAX

(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, today we are faced with the largest tax burden since World War II and what many people do not realize is that the Federal Government is really taxing American values. A good example is the death tax.

The death tax is one of the most onerous taxes imposed by the Federal Government. It is double and triple taxation on American families' hard-earned savings. Even worse, the death tax forces grieving sons and daughters to sell family businesses or farms just to pay the tax. It is absolutely outrageous that we allow the Federal Government to do this to families.

Enough is enough. It is time to repeal the death tax and end the assault on American values of family, hard work, savings, and entrepreneurship.

Let us bury the death tax now. By doing this, we will be giving freedom and a new birth to the next generation of families, farmers, and small business owners.

SUPPORT BIPARTISAN HATE CRIMES PREVENTION ACT

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to say that an institution such as the United States Congress is judged as much for what it supports as what it opposes. It is time now for us to support the bipartisan Hate Crimes Prevention Act and to oppose the hateful acts that caused the dismemberment of James Byrd, Jr., caused the tragic killing in Illinois of Jews and Asians and African Americans, and the terrible attack on the Jewish day care center in Los Angeles. It is time for this institution to be able to say that we abhor hate crimes.

I join Senator ROBB in the offering of Senate Resolution 92 that will ask or state the sense of this House or the sense of the Senate is to oppose hateful acts, and I will offer such a resolution in this House.

Let me also end by simply saying I applaud as well on another topic Tipper Gore's message and effort to provide more mental health resources for Americans and America's children. I held a hearing in my district that indicates that children need to be listened to and heard and that children have depression and mental health needs as well.

Let us pass a bipartisan Hate Crimes Prevention Act.

BRING HATE CRIMES PREVENTION ACT TO THE FLOOR FOR DEBATE

(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, I, too, join today in urging Congress to, not only debate the Hate Crimes Prevention Act, but pass it. We should no longer in America tolerate racial hatred, bigotry, crimes against persons because of their sexual orientation.

We are America. We are a proud country. But, regrettably, deaths like James Byrd, which occurred 2 years ago today, still occur in America, the death of Matthew Shepard, the death of so many others based on their color, their race, their ethnicity, or their orientation. Shamefully, America witnesses once again every day another dimension of killing in this country.

But only if Congress speaks loudly against violence and specifically against violence perpetrated because of hate will we only cleanse our souls and urge our Nation to move forward in a better, more positive spirit.

So I urge my leaders to consider bringing the Hate Crimes Prevention Act to the floor so that we can debate this in the well, in this Chamber, and pass it on behalf of all Americans.

HATE CRIMES PREVENTION LEGISLATION

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

Mr. NADLER. Mr. Speaker, hate crimes are a form of terrorism, and they demand a national response from this Congress. My own State of New York is expected to pass a hate crimes bill later today. But Congress stays silent. The Federal hate crimes bill should be marked up in the Committee on the Judiciary and debated on this floor as soon as possible. We should stand together to ensure the safety of our citizens and to punish those who terrorize large groups of people with vicious acts of hatred.

Some people say that all crimes are hate crimes, that this bill would seek to punish thoughts. That is simply not true. The bill does not create a new crime for thinking racist or homophobic thoughts, it simply strengthens laws to punish those who physically attack others based on their perceived race, religion, sexual orientation, ethnicity, disability, or gender. It punishes action and intent, not thoughts.

Hate crimes are especially odious because they victimize more than just the individual victim. They are acts of terrorism directed against an entire class of citizens. They are intended to terrify people simply because of who they are.

We should act now before new names join those of Matthew Shepard and James Byrd as victims of hate crimes. We should pass a sensible hate crimes bill this year.

PRESERVATION OF STILTSVILLE

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for holding a hearing calling for the preservation of Stiltsville.

Stiltsville is a group of seven homes located south of Key Biscayne, Florida, located in my congressional district that has been part of the landscape and seascape of our young community since the 1930s.

Mother Nature has destroyed many of these homes, but now the Federal bureaucracy seeks to do what previous hurricanes have not succeeded in doing, which is to tear down these beautiful homes.

The homeowners have gathered a powerful coalition to help them with the causes of saving Stiltsville, and they obtained over 60,000 signatures and resolutions of support from the Dade Heritage Trust, almost all of the municipalities in the Miami-Dade County, the Dade County Commission, the Florida House of Representatives, and the South Florida Congressional Delegation.

Governor Jeb Bush also supports the preservation of Stiltsville, and I thank the gentleman from Utah (Chairman HANSEN) for his help to our cause.

We will continue to negotiate with the Department of Interior on finding a solution that meets the goals of the National Park Service while saving this remarkable landmark that we call Stiltsville.

HATE CRIMES PREVENTION ACT

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

Mr. CONYERS. Mr. Speaker, I am the author of the Hate Crimes Prevention Act. We have 191 cosponsors. Today is the day that marks the senseless death, lynching of James Byrd, Jr. in Jasper, Texas, when he was dragged for miles over a country road, chained by the ankles to a pickup truck. His body was shredded and ripped in the 2-hour ordeal.

Since the 2 years of his murder, the House has done nothing to address the nationwide outburst of hate violence. So my bill really should be taken up by the Committee on the Judiciary. We should stop the stalling.

We know that the year of 1999 was called the summer of hate. Events of violence have occurred throughout the country. So we cannot, as a body, dismiss these atrocities as anonymous agents of lunatics. We need a hate crimes prevention law.

SUPPORT ESTATE TAX RELIEF

(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, in 1978, Susan Tagera left her corporate job at IBM and decided to pursue her American dream of owning her own business, a bicycle shop. She worked real hard over the 21 years to build up this shop and get a good clientele. Unfortunately, now she has breast cancer. She has to do something about the shop. She is passing it on to her son.

Only one problem. It has got an estate tax problem. See Uncle Sam has got it so that enterprising businesswoman like Susan cannot successfully pass their business on to the next generation.

That is why we need estate tax relief so that small business owners like Susan and millions all over America and family farmers can pass on what they have worked hard and struggled for and dreamed about, just pass it on to the next generation.

At the same time, they will be economically independent so that they will not have to depend on tax dollars for their livelihood and long-term care in the future. They have become independent. Why does our Tax Code penalize them?

This week, Congress has a chance to help Susan out by voting for estate tax relief. I hope that all Members on both sides support this legislation.

HATE CRIMES LEGISLATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I listened with interest this morning to people talking about the anniversary of the BYRD death, and I started to think, why is it that we sit here in Congress and profess how far America has come, how great the prosperity is, and how we have grown economically and socially? Is it not time, then, for America to grow morally? For those who fear to answer this question, I will answer it for them. The time is now.

Over a year ago, the bipartisan Hate Crimes Prevention Act was introduced. This legislation will make it easier for Federal authorities to assist in the prosecution of racial, religious, and ethnic violence. It has been referred to a subcommittee. Why have we not done more? Instead of doing more to strengthen hate crime legislation, members of society with no sense of remorse are killing those who they believe to be inferior to them.

Most people that are born do not have anything to do with their race, not a whole lot to do with their religion because their parents are the ones who help to determine that, and certainly not their sexual orientation.

Let us move, Mr. Speaker. Let us pass this legislation.

WORKING TO SOLVE PROBLEMS WITH USE AND ABUSE OF PUBLIC LANDS

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

Mr. CANNON. Mr. Speaker, I rise today to invite our colleagues to join with us and listen to the debate on what I think is a remarkable piece of legislation that will, I believe, significantly affect the course of public lands and legislation in America.

I want to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for his work on this bill. I encourage all of our colleagues to take a look at what we can actually do to solve the problems of use and abuse of our public lands.

SAN RAFAEL WESTERN LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

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

Mr. HASTINGS of Washington. H. Res. 516 would grant an open rule waiving all points of order against the consideration of the bill, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Resources. It makes in order the Committee on Resources' amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment which shall be open for amendment at any point.

The rule also provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

□ 1045

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It also allows the chairman of the Committee of the Whole to postpone votes during the consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 3605 is to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The San Rafael region possesses many important historical, cultural, and natural resources that are representative of the American West. Its history includes influences from Native American culture, exploration, pioneering, and industrial development. The bill will provide important Federal protections, similar to heritage designation protections, to the lands designated in the bill.

H.R. 3605 would require the Secretary of the Interior, acting through the National Park Service, to establish a legacy council to furnish advice regarding management, grants, projects, and technical assistance. It would authorize the Secretary to make matching grants up to 50 percent to any nonprofit organization or government unit with authority inside the legacy district's boundaries.

The bill limits appropriations to no more than $1 million annually and $10 million in total. The Congressional Budget Office estimates the enactment of H.R. 3605 would cost $15 million over the 2001 to 2005 period. Pay-as-you-go procedures would not apply, and the bill contains no unfunded governmental mandates as defined in the Unfunded Mandates Reform Act. CBO estimates that some State and local governments might incur some costs as a result of the bill's enactment, but those costs would be voluntary.

Mr. Speaker, the Committee on Resources reported the bill by a voice vote and the Committee on Rules has granted a request for an open rule so that Members wishing to offer germane amendments might have the fullest opportunity to do so. Accordingly, I encourage my colleagues to support both the rule and the underlying bill, H.R. 3605.

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

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

This is an open rule. It will allow the House to consider H.R. 3605. This is about the San Rafael Western Legacy District and National Conservation Act.

As my colleague has described, this rule will provide 1 hour of general debate to be controlled and equally divided by the chairman and ranking minority member on the Committee on Resources.

This permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill creates the San Rafael Western Legacy District of 2.8 million acres in Emery County, Utah. The bill authorizes up to $10 million for grants which can be used for planning, museum exhibits, preservation projects, and public facilities.

The San Rafael Swell is an area of beauty and history. It has been home to the Basketmakers, Fremont Indians and Ute Indians. The explorer, John Wesley Powell, led an expedition to the area. The famous outlaw, Butch Cassidy, once escaped into the desolate canyons there.

Because of the natural beauty of the area, it has been proposed often as a natural park. Unfortunately, the bill before us falls short of offering that kind of protection that I think this area deserves.

The bill does not effectively deal with the increasing use of off-road vehicles, which damage the soil and vegetation. The bill does not protect the water resources of the district. Even more important, the bill does not address the need to study the wilderness areas within the district.

It seems to me, Mr. Speaker, that if the Federal Government is going to provide $10 million in grants, we should have sufficient safeguards to protect the basic historic and natural resources. But this is an open rule, and Members will have the opportunity to offer germane amendments and to improve the bill. Therefore, I will support the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN), the subcommittee chairman in charge of this legislation.

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and in support of H.R. 3605.

The San Rafael area of Emery County, Utah, is home to some of the most beautiful landscapes in the West. For years, the county commissioners and the Bureau of Land Management have sought to protect the lands within the San Rafael Swell. After years of controversy, literally years, 20 years possibly, the county commissioners sat down with Secretary Babbitt and his professional staff and crafted 3605.

Mr. Speaker, H.R. 3605 will protect nearly 1 million acres of Federal lands in Emery County, Utah, in a fashion that will allow wilderness, recreation, preservation, and wildlife to coexist without degrading the resource. This bill sets up a public planning process wherein all views will be considered under the National Environmental Policy Act. Moreover, this bill will further protect the wilderness study area contained within the National Conservation Area. In fact, over 600,000 acres of potential wilderness area will receive further protection from OHV use, mining and other uses which are incompatible with the area.

H.R. 3605 enjoys the enthusiastic support of Secretary Bruce Babbitt and this administration. Through months of strenuous negotiation, this consensus legislation is brought before the House on a bipartisan basis. Secretary Babbitt has stated that ''the administration supports this legislation because of the additional protection it provides for important public land, including the withdrawal from mineral development and sale or exchange, restrictions on off-highway vehicle use and innovative provisions for a legacy district.'' In fact, the administration holds H.R. 3605 out as a model to show how we should protect these BLM lands managed under National Conservation Areas.

Mr. Speaker, I will go into greater detail in general debate on the legislation. Members are hearing from the extreme environmental groups that this is anti-wilderness legislation or some other blatant untruth such as that. The fact is that some extremists would rather raise money than solve problems to protect public grounds, and this seems to be, from sea to shining sea, the way a lot of these extremists look at it.

This legislation comes before the House with overwhelming support of the Committee on Resources, Secretary Babbitt, the administration, the governor of Utah, local elected officials, the people of Utah, sportsmen, wildlife groups, historic preservation people; and the list goes on and on. I urge the Members to look at this legislation and see the facts and ignore the rhetoric.

Mr. Speaker, I support this rule and I urge Members to support this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON), the sponsor of this important legislation.

Mr. CANNON. Mr. Speaker, I am pleased today that the House is considering H.R. 3605, San Rafael Western Legacy District and National Conservation Area Act.

As my colleagues may know, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Resources, and I have been working on this legislation since I came to Congress in 1997. We have made great progress, and I am especially pleased that the Secretary of the Interior has now shown that he is fully behind this bill. He supports the concept of this National Conservation Area, as well as the specific implementation of it, that the people of Emery County have developed.

This bill sets aside nearly 1 million acres as a National Conservation Area, withdrawn from future mining claims and providing protection for primitive and semi-primitive areas. The Secretary of the Interior, in conjunction with an advisory council, will develop a management plan for the National Conservation Area that will allow various land uses, while simultaneously preserving the natural resources of the area for future generations.

It would also place 2.8 million acres into a legacy district to be managed for the conservation of the area's historical and cultural resources, allowing management that would guarantee the preservation of the dramatic canyons, wildlife, and historic sites of the San Rafael Swell. I am pleased to be contributing to the conservation of such a beautiful and historic area.

Negotiations have been ongoing for 3 years on this bill, and everyone from the Bureau of Land Management to the Secretary of the Interior to the county commission has agreed to its final form. Additionally, the county commissioners have presented it to as many groups as they could find to participate, and received agreement.

Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land. I am proud to offer with them and the Secretary of the Interior this bill to protect the San Rafael area. I urge my colleagues to support this rule.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 516 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. 3605.

□ 1055

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. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Chairman, I rise in support of H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act sponsored by my colleague and friend, the gentleman from Utah (Mr. CANNON).

H.R. 3605 will protect for future generations the spectacular lands known as the San Rafael Swell in Emery County, Utah.

Mother Nature created this area nearly 50 million years ago with a massive geological uplift in the Earth's crust. After millions of years of erosion by water, wind, heat, and cold, the amazing high mesas, deep canyons, domes and arches of the San Rafael decorate nearly a million acres of Federal lands. The rugged nature of these lands has allowed little or no development even today.

Man first came to this area 11,000 years ago. The Fremont culture thrived and their history is written in petroglyphs and pictographs throughout the area. Spanish explorers came to this area in the mid-18th century with regular visits from American explorers in the 1850s. Brigham Young established the first permanent occupation of this area in 1877 by sending 50 hearty Mormon families to Castle Valley. These strong individuals have been prospering in this area ever since. However, the sheer cliffs, steep canyons, columns and shafts of rock have insured the preservation of the Swell for decades.

Today, Mr. Chairman, we have an opportunity to continue protecting this area with bipartisan consensus legislation. The San Rafael Western Legacy District and National Conservation Act provides important protection for these lands. H.R. 3605 contains two levels of protection: first, all of Emery County

will be designated as the Western Legacy District, where Americans will learn of the history, science, archeology, and culture of over 2.8 million acres of land.

Secondly, H.R. 3605 establishes the San Rafael National Conservation Area, which consists of nearly 1 million acres of Federal lands managed by the Bureau of Land Management.

□ 1100

Subject to valid existing rights, the entire area will be withdrawn from mining, mineral leasing, or land disposal. The Secretary is mandated to enter into a public planning process to manage the area in a manner that conserves, protects, and enhances its resources and values. Over 600,000 acres of potential wilderness will receive a higher level of protection, and recreational use will be organized and managed in a way as to prevent resource degradation.

Mr. Chairman, early this Congress I asked Secretary Babbitt to take the time to look at the San Rafael area and help us find a way to protect these lands in a manner that fits the landscape and will ensure that we can fully protect some BLM lands in Utah. Secretary Babbitt sent Molly McUsic and other staff out there and they toured the lands, heard the concerns of the people who live and work in the area; and that began months of work by many dedicated BLM staff and the Emery County commissioners and their staff.

H.R. 3605 is a result of this work and represents a consensus bill that is supported by Secretary Babbitt, the administration, the Governor of Utah, the county commission, wildlife experts, historians, and conservationists. The bill has enjoyed overwhelming support in the Committee on Resources.

Mr. Chairman, I would like to address some of the issues that Members are hearing rhetoric about surrounding this legislation. Extreme groups are claiming that this is an anti-wilderness bill because it fails to designate wilderness. As many Members know, the issue of wilderness in Utah is one of the most polarized public land issues in America. However, that debate has raged for over 20 years; and although many efforts have been made by both sides, the fact is that we have failed to protect BLM lands in Utah because of this wilderness debate.

H.R. 3605 will finally protect nearly one million acres of BLM land in central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness land. In fact, this process has resulted in further protections already. The BLM, after working with the county, recently closed OHV trails and wilderness study areas. This will ensure that these lands remain available for wilderness protection by future Congresses.

For myself, and I believe Secretary Babbitt feels the same way, we would prefer to resolve the wilderness issue within the San Rafael area. However, that is impossible in today's climate. This legislation is a major step in the right direction. The BLM will formulate a management plan that will ensure that those lands that have wilderness qualities will be managed to protect those qualities. H.R. 3605 mandates the Secretary to manage these lands to prevent resource degradation.

Furthermore, the legislation formally recognizes that wilderness is left to future Congresses to decide how many of these million acres should be designated. This bill will ensure that these lands are protected in the future to allow for wilderness designation.

Attempts were made by some to amend the bill with wilderness designations that are reflected in legislation sponsored by my colleague the gentleman from New York (Mr. HINCHEY). Wilderness designations are more complicated than simply dropping legislation that seems to ignore all the science, all the work of the BLM professionals, the views of the people of Utah, and the opinion of the Secretary of Interior.

Let us pass this bill today, protect one million acres of the BLM land, and ensure that further Congresses have the ability to designate wilderness.

Mr. Chairman, claims are being made by extreme groups that this bill fails to adequately manage off-road vehicle use within the San Rafael. I would hope that Members would actually read the bill and also recognize what actions have already been taken by the BLM.

The legislation in section 202 specifically states that use of motorized vehicles in the conservation area will be restricted to existing roads and trails. Thus, cross-country four-wheeling is prohibited by the bill.

More importantly, the legislation mandates that the BLM mapping OHV use pursuant to 43 CFR 8340. This regulation guarantees that OHV will be prohibited if vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, etc. The legislation ensures that the management plan, through a public process, will appropriately manage the activities.

Those who wish to simply prevent all OHV recreation in this area are ill-informed. Just because they prohibit this use in the law does not mean the activity will stop. The language in this bill presently was negotiated with Secretary Babbitt and is acceptable to the recreation community. We currently have agreements with all OHV users, the BLM, and the county, who will be charged with policing many of these uses.

The bill calls for regulation of OHV pursuant to the BLM's own regulations. This bill is not an attempt to micromanage these lands but to set up a planning process under NEPA wherein all of America can be involved in the decision-making process.

Under the language in H.R. 3605, the Secretary is mandated to close any road or trail where undue problems are occurring. I urge the Secretary to exercise his authority over these regulations. The bill, as written, allows for a public process and ensures that the Secretary has the necessary tools to close roads and trails when it becomes necessary.

I urge my colleagues to defeat any attempt to change this language.

The current boundaries reflected in H.R. 3605 were drawn by Secretary Babbitt, his staff, and the professionals of BLM. There is criticism that the entire swell is not included. First, this is completely false. Who should we rely on to tell us what land should be included, the professionals at the BLM who manage these lands, or a few extreme groups who have an agenda but no responsibility for managing the lands in question?

The boundaries are drawn just like every other provision of this bill. They have been worked out with the Secretary and professionals. There is room for some tinkering around the edges, and we attempted to work with the minority to make some of the changes they sought. However, as with many of these issues, it was an all-or-nothing proposition.

If the Secretary and the county would not agree to all of their wants, there would be no negotiations. And that is the hallmark of these groups. The boundaries in H.R. 3605 make geographical and management sense and they include those lands worthy of protection. This House should respect the professional judgment of our Federal land managers and keep the boundaries as reflected in the bill.

The San Rafael area is a desert. There has been some misinformation floating around about the fact that this bill does not protect the water of this area. The fact is there are only two bodies of water in the whole conservation area. One is the San Rafael River. This river begins with the conservation area and is currently protected because the State holds an instream flow right in perpetuity on the river. Thus, the Federal-reserved water right is simply not necessary. No water will be diverted, no dams will be built, no pipes, nothing. The State holds all the rights for conservation purposes.

The second body of water is an intermittent stream called Muddy Creek. H.R. 3605 mandates that the Secretary shall enter into agreements with the State to ensure that these waters are preserved.

The language in the bill was heavily debated with Secretary Babbitt and the Solicitor's office, and all parties are comfortable with this language. The bill further protects the small amount of water in this area. I urge my colleagues to defeat any efforts to amend this language.

Mr. Chairman, H.R. 3605 is progressive conservation legislation that will

protect nearly one million acres of Federal land. Every word of this legislation has been fully agreed to by Secretary Babbitt and the administration. We have sat down at the table, and this is a bipartisan measure that deserves our full support.

I urge the Members to ignore the rhetoric of the extreme groups and look at the hard work of the Secretary and the gentleman from Utah (Mr. CANNON) who have put this legislation together. I urge my colleagues to defeat destructive amendments designed to kill this effort, and I urge support for this bill.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the sponsor of the bill.

Mr. CANNON. Mr. Chairman, as we begin debate on H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act, I first would like to thank the gentleman from Utah (Mr. CANNON), our subcommittee chairman, for his work and commitment to this legislation.

Emery County and the State of Utah do not have a stronger voice in this body than the gentleman from Utah (Mr. HANSEN). His continued dedication and unyielding support for this and other land management initiatives will finally prove successful in H.R. 3605. The gentleman from Utah (Chairman HANSEN) successfully shepherded this legislation through the committee process, and his efforts have given us a very strong, effective, and balanced bill.

In addition, I would like to acknowledge the efforts of Emery County Commissioner Randy Johnson and thank him. He has been tireless in his 3-year campaign to protect and preserve the San Rafael Swell. But for the dedication and devotion of Randy to this crusade, we would not all be here today. The people of Emery County should be proud to have such a hard-working public servant.

As many of our colleagues know, we have been working on this project to protect the San Rafael Swell for over 3 years. This legislation sets up a process to preserve the remarkable area famous for such outlaws as Butch Cassidy and the Sundance Kid and many, many others of the famous western outlaws.

Over the last 3 years, people in Emery County, Utah, the off-road vehicle users, the sportsmen, and others came together with county officials, landowners, and the Bureau of Land Management to approve this plan.

The San Rafael Western Legacy District and Conservation Area Act would place 2.8 million acres into a Legacy District to be managed for the conservation of the region's historical and cultural resources.

Similar to a National Heritage Area, this designation would allow the people of Emery County to invest in the protection of their diverse cultural, archaeological, and natural assets. Additionally, they will be able to better manage the many tourists who now strain the region's tourism infrastructure, providing the tourists with a more enjoyable visit and the region with a sustainable economy.

Additionally, this bill will set aside almost a million acres as a national conservation area, withdrawn from future mining claims and closed to cross-country vehicle travel.

The Secretary of Interior, in conjunction with an advisory council, will develop a management plan for the national conservation area that will provide for various lands uses and that the preservation of these amazing natural resources for future generations. This is an amazing area that is sorely in need of protection, and the national conservation area will provide that in a flexible context that incorporates the views of those closest to the land.

We, as Americans, are united in our love for our public lands and our desire to use them appropriately. I introduced this bill to preserve a beautiful and historic part of the State of Utah while taking into account the local economy. It provides a process for managing the land and providing access for people who come to enjoy it.

This bill represents a breakthrough in land management policy for the western United States. It gives the proper weight for citizen input in balancing wilderness preservation, commercial use, and recreation. It proves that consensus can be achieved from the ground up, rather than from the top down.

Today we have an opportunity to pass landmark legislation to protect and conserve the historical and cultural values of one of the most beautiful and pristine areas in the Union. We have come a long way in our discussions by crafting legislation that is supported by the administration, the local officials, and outdoor enthusiasts. This area is experiencing record visitation, and the time to establish adequate protections is now.

I urge my colleagues to support H.R. 3605 and preserve these lands for generations to come.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), my friend.

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

Mr. BOEHLERT. Mr. Chairman, I rise in support of H.R. 3605.

Mr. Chairman, I have negotiated with the gentleman from Utah (Chairman HANSEN) to prepare some amendments that will further clarify and improve the bill. But even in its current form, I support the general thrust of the bill, as does the Secretary of the Interior, Bruce Babbitt, with whom we have been in contact this morning.

H.R. 3605 is the product of lengthy negotiations between local officials in Utah and officials of the Department of the Interior, including, as I mentioned, Secretary Babbitt.

These two sets of officials, representing local and national interests, agreed to wade into a protracted and politically thorny set of land use issues to put aside years of acrimony, to break a draining, pointless, ideological stalemate by working out practical, helpful compromises. And to just about everyone's amazement, they succeeded.

I believe these local and Federal officials of both political parties deserve to be rewarded for their success, not snubbed. The negotiations that produced this bill should be a precedent for resolving land use disputes. That does not mean that every dispute will be resolved or that every resolution will merit congressional support. But thoughtful, carefully worked out resolutions like this one concerning the San Rafael Swell have earned our support.

☐ 1115

Does this bill successfully dispose of every issue the way I would most prefer? No, of course not. But this is a case where an old congressional saying is quite appropriate: ''Let's not make the perfect the enemy of the good.''

To those who believe that more land should be protected more fully than this bill allows, I say there is nothing in the bill that would block consideration of further land protection at a later date. But this bill will protect the bulk of the San Rafael Swell right now. To those who want greater restrictions on off-highway vehicles, I say the management plan or later laws can impose even further limitations. But this bill will codify significant restrictions on off-highway vehicle use right now. So we need to act right now to increase the protections for the San Rafael area. That is good for the environment.

The amendments I have worked out will make the bill better for the environment by expanding the boundaries of the conservation area, clarifying the restrictions on off-highway vehicles and ensuring that land in the conservation area remains at least as protected as it is right now.

I urge my colleagues to support H.R. 3605 as a bipartisan step forward in protecting our lands in the West for all Americans.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I regret that this bill is before the House today because I do

not think it is ready for this prime time appearance. By that I do not mean that the bill is all bad. It does have some positive aspects. And I do not mean that the sponsors are not serious when they say that they want to improve the management of this special part of the public lands. I know they are sincere and I respect their efforts. What I do mean is that the bill still has several serious flaws. We should have fixed those flaws when we considered the bill in the Committee on Resources, but that did not happen. We should have revised the bill so that it would cover the entire San Rafael Swell area, but we did not. We should have provided the BLM with all the tools it needs to protect the resources and values of these public lands that have been shaped by the forces of wind and water, but we did not do that, either. And we should have made the bill truly wilderness neutral by providing at least interim protection for the wilderness resources of these lands. Again, we did not do that in the committee.

So here we are with a bill that falls short. We will be considering some amendments to try to do at least part of the work that we could have done in the committee. Those amendments deserve approval. But unless the bill's flaws are corrected, it should be rejected so that we can start again in the Committee on Resources and do the job right the next time.

Mr. Chairman, I include the following for the RECORD:

ENVIRONMENTAL DEFENSE, WESTERN WATER PROJECT—TROUT UNLIMITED, LAND AND WATER FUND OF THE ROCKIES,

June 5, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: We are writing about H.R. 3605, the San Rafael Western Legacy District and National Conservation Act, that was reported out of the Resources Committee, as amended, on May 16, 2000. Environmental Defense and Trout Unlimited have not been a part of the negotiations and debate that surround this legislation, and we are not in a position to express a general position on that legislation. However, we have been made aware of this legislation's water rights provision and have carefully reviewed that legislation language. We have very serious concerns about this provision. We do not believe that its terms will permit the Bureau of Land Management to protect and conserve the water-related resources of the San Rafael Swell. And we are gravely concerned about the precedent that this legislation likely will set. Thus, we urge you to insist that this legislative provision be removed or substantially strengthened.

I. GENERAL COMMENTS

By way of background, we note that H.R. 3605 withdraws those lands within the proposed national conservation area from disposal under the public lands laws. That is certainly a positive step forward. However, we also note that H.R. 3605, both as introduced and as amended, expressly disclaims either an express or implied federal reserved water right. This is a dramatic departure from the general approach that the Congress has taken when it reserves lands either for wilderness or for national conservation areas. For example, section 201(f) of the Arizona Desert Wilderness Act (which dealt with Bureau of Land Management lands) both effected a reservation of water sufficient to fulfill the purposes of the reservation and directed the Secretary to take all necessary steps to protect those rights. Section 706 of the California Desert Protection Act of 1994 and section 8 of the Nevada Wilderness Protection Act of 1989 were to like effect. Similarly, when it established the El Malpais National Conservation Area, the Congress expressly reserved water to carry out the purposes of the national conservation area. And when Congress established the San Pedro Riparian National Conservation Area, the Congress expressly reserved a quantity of water sufficient to fulfill the purposes of the national conservation area. 16 U.S.C. §460XXX.

Admittedly, in individual cases the Congress has seized upon an alternative strategy to protect and conserve the water-related resources within a reservation. The Colorado Wilderness Act of 1993 is perhaps the best example of such an approach. The water rights language in that legislation established a model for providing a high level of protection for water-related resources within a reservation without resort to a reserved right. However, the water rights language approved by the Resources Committee for the San Rafael Swell would neither effect a reserved right nor establish an alternative approach for protecting water-related resources. Instead, the Resource Committee's amended bill would effectively abdicate the United States' responsibility for protecting and conserving water and water-related resources within the Swell. We believe that would be a serious error.

II. SPECIFIC COMMENTS

Set out below are our more specific comments on the water provisions added to the bill during Resource Committee markup:

A. Water rights already have been appropriated. Subsection (k) of the amendment avers that available water resources within the external boundaries of the conservation area already have been appropriated. While we do not have the information to determine whether that is an accurate statement, we will assume for the sake of argument that it is; most river basins in the West would fit within that general description. But even if this is an accurate description, it is not a sufficient basis to both disavow a reserved right and fail to adopt an equally effective alternative for the protection of water resources within the national conservation area. We should start with the fundamentals. And the fundamentals are that those of us who have visited the Swell, as you perhaps have, know that at certain times of the year there is abundant water in the water courses that arise upon or flow through the proposed national conservation area. And of course, the riparian vegetation that adjoins those watercourses is dependent upon those flows. But the assertion that water resources within the basins that will, in whole or in part, be encompassed by the national conservation area are appropriated is not necessarily in conflict with the presence of flowing and standing water within the proposed national conservation area. Neither is a sufficient argument to disclaim not only a reserved right but even a meaningful alternative for protecting water resources within the proposed national conservation area.

It may be that water storage projects upstream of the proposed national conservation area are not capable of capturing the entire flow of the streams during heavy rains or during the spring. It may be that the water rights upstream of the proposed national conservation area are unperfected and may, or may not, ever be made absolute. It may be that upstream appropriators are simply unable, at this time, to make full use of the waters that arise upon or flow through the national conservation area. Thus, there may be water that is available for a junior appropriation even though the area appears fully appropriated.

B. No express or implied reservation of water. The water provisions in the committee amendment do preserve pre-existing valid existing water rights. However, there is no evidence in the record that we have seen to suggest that the Bureau of Land Management possesses existing water rights adequate to protect water-related resources within the national conservation area. Moreover, as noted above, subsection (1) of the water provisions added during committee markup expressly disclaims either an express or implied federal reserved water right. This is a deeply troubling precedent. But notwithstanding the claim that is routinely made in legislation such as this that water provisions are not intended to create a precedent, our own experience had disapproved any such claim. If the Congress follows this course, this legislation language inevitably will become the template for future legislation. That would be a tragic mistake. Although western interests have been hostile to federal reserved and non-reserved rights for over a century, these tools have been indispensable to the protection of water resources on reservations created on the public land.

If this legislation instead adopted the course traveled by so many other public lands statutes, the Secretary would have the ability to file for a water right to protect the Swell's water resources. Admittedly, the water right would be junior to all pre-existing water rights. Nevertheless, such a water right would enable the Secretary to prevent senior water rights from being changed or expanded if such actions would ''injure'' the junior reserved right. Similarly, the existence of a reserved right, however junior, would permit the Secretary to protect water resources within the Swell from injury by over-use of water upstream of the national conservation area (either through diversions in excess of upstream rights, or by over-application of water to a beneficial use). In the absence of a reserved right, the Secretary will be seriously challenged in his or her ability to address problems such as these. Indeed, we believe future Secretaries will be entirely disabled from effectively dealing with issues such as this. At the same time, without a reserved or nonreserved right (both of which appear to be foreclosed by this legislation), the Secretary may well discover ten or twenty years in the future that he or she is unable to secure adequate water supplies even to serve the visiting public at visitors centers, campgrounds, and similar facilities.

C. No other authority for water resources. The most troubling part of the amendment is the provision directing that if the United States determines it needs additional water resources, it must attempt to work with a state agency that is eligible to hold instream flow water rights in order to acquire such rights in accordance with state water law. But under Utah state law, only the state may hold an upstream water right; neither an individual nor a federal agency can acquire an instream flow right. Moreover, and even more troubling, Utah state agencies may only convert existing water rights to instream flows; there is no statutory basis that would enable even a state agency to file a new, junior appropriation for an instream flow within the national conservation area. Ut. Rev. Code §73–3–3. The current bill language thus creates a chimera for protection

of instream values. Worse, it would preclude entirely the Secretary from obtaining any right to divert water for other legitimate governmental uses associated with the conservation area, such as providing water for fire protection.

III. SUMMARY

This legislation, as it currently stands, would tie the hands of the United States. The Bureau of Land Management would lack the tools that are needed to protect valuable resources within this reservation. Indeed, this legislation effectively abdicates the federal government's responsibilities in that regard. Those of us who have visited the Swell, as you have, know full well that the Swell is an extraordinary place. It is a place that was shaped by the forces of wind and water. Whatever the other merits of this proposal may be, it would be a tragic mistake to accept a legislative proposal that contains this sweeping precedent on water resources. We urge you to insist that this provision be removed or substantially strengthened.

Respectfully,

JAMES B. MARTIN,
Senior Attorney,
Environmental Defense.
MELINDA KASSEN,
Director, Colorado Office,
Western Water Project, Trout Unlimited.
DANIEL LUECKE,
Senior Scientist/Regional Director,
Environmental Defense.
BRUCE DRIVER,
Executive Director,
Land and Water Fund of the Rockies.

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

Mr. Chairman, let me say at the outset of this debate that the gentleman from Utah has worked very, very hard on this legislation; and I think any of us who are familiar with these issues in the West recognize the controversy that they provoke. As many of us are also aware, the controversy goes on for a considerable period of time. In this particular area, we have had controversy and discussions since the 1930s about what to do in the San Rafael area. This legislation deals with the San Rafael Swell, which is an incredible dome of uplifted sedimentary rock that rises some 1,500 feet above the surrounding desert measuring 50 miles long and 30 miles wide. This is an area that those who may be familiar with the area recognize is sheer-walled cliffs and twisting canyons with incredible mesas and buttes. This is the incredible beauty of this area of the West, this area of Utah; and that is why it has been an area of such great controversy because there are those who live there and make their livelihood there. There are those who want to protect it in the highest form of protection we can provide as a national treasure, and there are those who simply want to drive by and look at it as part of their summer vacation. It is a dramatic area, it is a beautiful area, and it clearly has resources and values and assets that are on a par with Arches, Canyonlands and Zion National Parks.

This is not a minor piece of legislation. This is dealing with one of the great environmental assets in this Nation. But again it is also that fact that makes this legislation so controversial and even the discussion of the parts of this legislation is controversial. The gentleman from Utah has worked hard with the community in trying to develop a consensus and worked with the Secretary of Interior as he pointed out over many, many months recently to see whether or not they could come up with a legislative package that addressed all of their needs. I am sad to say that I do not believe that they have yet arrived at that package, that this legislation has a number of flaws that need to be corrected. We repeat some mistakes that we know have turned out to be very costly from the past, and, that is, when we start setting environmental and ecological boundaries that are based upon political jurisdictions and political decisions that follow existing roads or follow existing section lines or follow existing political boundaries of counties or townships, that we very often make a terrible mistake because that does not reflect the true protection of the environmental assets, it does not reflect the movement of wildlife, it does not reflect the expanse of habitat, it does not reflect necessarily the corridors that are needed for wildlife to move during different seasons and wet and dry periods of the year.

Yet in this legislation once again we see that almost the entire southern boundary here is based upon a county line. As we know, as we struggled with the issues surrounding Yellowstone Park and other preserves in this country, those old decisions that were made in that fashion have turned out to be very bad for the protection and the conservation of those resources. I think that we even see in areas where we would be considering wilderness protection, protection of those assets in some cases, the boundaries here split those in two without taking that into consideration.

The same is true with known wildlife habitat. I also think that we make the mistake in this legislation in not addressing the need for wilderness area. I appreciate the controversy that that raises in the West when discussing the wilderness area, and our committee from time to time has tried to work around that area; but to simply set these up as conservation areas is to allow a whole range of activities in those areas that then later work against the qualification of those areas for wilderness areas, whether it is communication towers, whether it is roads, those kinds of uses that then people use as evidence to say, Well, you can't consider this a wilderness area.

So a great deal of damage can be done to the wilderness areas and the potential for wilderness protection if in fact we do not arrive at that level of protection. We have studied this, we have had a number of wilderness assessments done in this State, most recently several years ago, and clearly have identified these areas. There will be amendments on the floor to establish this as a wilderness area or a wilderness study area. I think the Members ought to give serious consideration to that.

The other one is, there has been a tragic history here of really irresponsible off-the-road vehicle use. Clearly that is one of the uses of lands in many parts of the West. It is very controversial. Some people adamantly disagree with it and do not believe there should be any ORV use. I do not think that is realistic necessarily, or appropriate or necessary; but what we do have to have is responsible policies. In the past, this area has been closed because of those irresponsible policies and now simply to engage and let those people continue this for another 4 years I think is a mistake and again fails to recognize what we have learned from the past management of this land. We would in effect be codifying the same BLM regulations that have failed to protect this area.

We also have the problem of creating something called the Western Legacy District. We do not know what a Western Legacy District is; we do not know what values it is there to protect. It appears that apparently this county has determined that. I think if we were looking for historical assets or whatever the basis is or environmental assets, we might find others that are more worthy of that designation. Clearly some definition, some protection of both the areas and of the taxpayer ought to be written into this legislation.

I am also deeply concerned, again this is a controversial area in the West, about the issues of Federal reserve water rights. Here the Secretary apparently turned over whatever would be a federally reserved water right to the States, the State of Utah; but that does not provide for the kinds of protections necessary to protect the full range of a Federal asset here because it is a rather limited water right that the State has for conservation based mainly on wildlife and puts the State in the position of negotiating with its own citizens who may want to make withdrawals and consumptive use of this water. I know this is controversial, but we should be protecting these Federal assets to the full extent of the law and the need of the area; and if we start just continuing to take consumptive use upstream from this area, we then denigrate the environmental values and assets of this area. Clearly, I think the Secretary has made a mistake on the Federal reserve water rights.

There will be amendments offered after the general debate on these areas. I would hope Members would support the amendments by the gentleman from Colorado (Mr. UDALL), the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE), and the gentleman from New York (Mr. HINCHEY) because I do believe that they strengthen this bill; and most importantly they provide the kind of protection that the people of

this Nation are entitled to for environmental assets that are as magnificent as the San Rafael Swell and the surrounding areas.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 3605, the San Rafael Western legacy Act. This bill does not do all I would like it to do, but having seen the stalemate which has existed for decades, I believe it is time to move forward.

Mr. Chairman, in the 105th Congress, as the ranking member on the Subcommittee on National Parks and Public Lands, I went to Southern Utah more than once and spent some time traveling the area to better understand the national and local issues involved. As noted by my colleagues, this truly is a unique area which deserves protection. On that there is agreement. As we have seen this afternoon, the problem arises in what level of protection do we afford, and how much area do we protect.

I do not see this bill as the end of wilderness protection in the State of Utah—rather I see it as a first step. I am glad to see that the Administration was able to reach a compromise with the Representatives from this area, and I urge my colleagues to support this compromise bill.

Ms. DEGETTE. Mr. Chairman, there is no question in my mind that the stunning landscape of the San Rafael Swell with its multicolored sandstone exposed in deep canyons should be protected. The question before us today is, does this legislation offer that protection? Unfortunately, the answer is no. Therefore, I rise in opposition to H.R. 3605 because it fails to protect and preserve the unique beauty that this wild area of Utah deserves.

While I adamantly support the strongest protection possible for the San Rafael Swell in Utah, and have cosponsored the ''America's Redrock Wilderness Act,'' H.R. 3605 provides inadequate protection for these lands. This legislation creates the ''San Rafael Western Legacy District,'' a vague moniker that falls short of the real protection this land merits.

How can this land be protected by legislation that does not address the rampant off-road vehicle use, which poses the gravest risk to this land? How can this land be preserved for generations when this legislation fails to designate a single acre as a wilderness study area, much less declare any land as wilderness? How can this ecosystem be protected by legislation that does not address the issue of water rights?

Terry Tempest Williams wrote that these lands ''swing the doors of our imagination wide open.'' It is passed time to protect these treasured lands and ensure they remain wild and free before they slip away from us forever.

Mr. GEORGE MILLER of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3605

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 ''San Rafael Western Legacy District and National Conservation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the San Rafael National Conservation Area established by section 201.

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

(3) WESTERN LEGACY DISTRICT.—The term ''Western Legacy District'' means the San Rafael Western Legacy District established by section 101.

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—In order to promote the preservation, conservation, interpretation, scientific research, and development of the historical, cultural, natural, recreational, archeological, paleontological, environmental, biological, educational, wilderness, and scenic resources of the San Rafael region of the State of Utah, as well as the economic viability of rural communities in the region, there is hereby established the San Rafael Western Legacy District, to include the San Rafael National Conservation Area established by section 201.

(b) AREAS INCLUDED.—The Western Legacy District shall consist of approximately 2,842,800 acres of land in the County of Emery, Utah, as generally depicted on the map entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated _____.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Western Legacy District. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of the Land Management in Utah.

(d) LEGACY COUNCIL.—

(1) IN GENERAL.—The Secretary shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District. The Legacy Council may furnish advice and recommendations to the Secretary with respect to management, grants, projects, and technical assistance.

(2) MEMBERSHIP.—The Legacy Council shall consist of not more than 10 members appointed by the Secretary. Two members shall be appointed from among the recommendations submitted by the Governor of Utah and 2 members shall be appointed from among the recommendations submitted by the Emery County Commissioners. The remaining members shall be persons recognized as experts in conservation of the historical, cultural, natural, recreational, archeological, environmental, biological, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(3) RELATIONSHIP TO OTHER LAW.—The establishment and operation of the Legacy Council established under this section shall conform to the requirement of the Federal Advisory Committee Act (5 U.S.C. App.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) ASSISTANCE.—

(1) IN GENERAL.—The Secretary may make grants and provide technical assistance to accomplish the purposes of this section to any nonprofit or unit of government with authority in the boundaries of the Western Legacy District.

(2) PERMITTED USES.—Grants and technical assistance made under this section may be used for planning, reports, studies, interpretive exhibits, historic preservation projects, construction of cultural, recreational, educational, and interpretive facilities that are open to the public, and such other expenditures as are consistent with this Act.

(3) PLANNING.—Up to $100,000 of amounts available to carry out this section each fiscal year, up to a total amount not to exceed $200,000, may be provided under this subsection only to a unit of government or a political subdivision of the State of Utah for use for planning activities.

(4) MATCHING FUNDS.—Federal funding provided under this section may not exceed 50 percent of the total cost of the activity carried out with such funding, except that non-Federal matching funds are not required with respect to—

(A) planning activities carried out with assistance under paragraph (3); and

(B) use of assistance under this section for facilities located on public lands and that are owned by the Federal Government.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under this section not more than $1,000,000 annually for any fiscal year, not to exceed a total of $10,000,000.

SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—The Secretary, through the Bureau of Land Management and subject to all valid existing rights, shall administer the public lands within the Western Legacy District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.). The Secretary shall allow such uses of the public land as the Secretary determines will further the purposes for which the Western Legacy District was established.

(b) FISH AND WILDLIFE.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife within the Western Legacy District.

(c) PRIVATE LANDS.—Nothing in this Act shall be construed as affecting private property rights within the Western Legacy District.

(d) PUBLIC LANDS.—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the Western Legacy District and the public lands described in subsection (b), including historical, cultural, natural, recreational, scientific, archeological, paleontological, environmental, biological, wilderness, wildlife, educational, and scenic resources, there is hereby established the San Rafael National Conservation Area in the State of Utah.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 947,000 acres of public lands in the County of Emery, Utah, as generally depicted on the map entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated _____. Notwithstanding any depiction on such map, the boundary of the Conservation Area shall be set

back 300 feet from the edge of the Interstate 70 right-of-way and 300 feet from the edge of the State Route 24 right-of-way.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Conservation Area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in Utah.

SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including those resources and values specified in section 201(a), and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(c) VEHICULAR USES.—

(1) IN GENERAL.—Except where needed for administrative purposes or to respond to an emergency, and subject to paragraph (2), use of motorized vehicles in the Conservation Area shall be—

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) limited to roads and trails that—

(i) existed as of February 2, 2000; and

(ii) are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f); and

(C) managed consistent with section 8340 of title 43, Code of Federal Regulations (relating to designating public lands as open, limited, or closed to the use of off-road vehicles and establishing controls governing the use and operation of off-road vehicles in such areas).

(2) LIMITATION ON APPLICATION.—(A) Subparagraphs (A) and (B) of paragraph (1) do not limit the provision of reasonable access to private lands or State lands within the Conservation Area.

(B) Any access to private lands or State lands pursuant to subparagraph (A) of this paragraph shall be restricted to exclusive use by, respectively, the owner of the private lands or the State.

(d) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), all Federal lands within the Conservation Area and all lands and interests therein that are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto. Nothing in this paragraph shall be construed to effect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(2) COMMUNICATION FACILITIES.—The Secretary may authorize the installation of communications facilities within the Conservation Area, but only to the extent that they are necessary for public safety purposes. Such facilities must have a minimal impact on the resources of the Conservation Area and must be consistent with the management plan established under subsection (f).

(e) HUNTING, TRAPPING, AND FISHING.—Hunting, trapping, and fishing shall be permitted within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Utah, except that the Utah Division of Wildlife Resources, or the Secretary after consultation with the Utah Division of Wildlife Resources, may issue regulations designating zones where and establishing periods when no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(f) MANAGEMENT PLAN.—Within 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area. The plan shall describe the appropriate uses and management of the Conservation Area consistent with the provisions of this Act. The plan shall include, as an integral part, a comprehensive transportation plan for the lands within the Conservation Area. In preparing the transportation plan the Secretary shall conduct a complete review of all roads and trails within the Conservation Area. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the Conservation Area.

(g) STATE TRUST LANDS.—The State of Utah and the Secretary may agree to exchange Federal lands, Federal mineral interests, or payment of money for lands and mineral interests of approximately equal value that are managed by the Utah School and Institutional Trust Lands Administration and inheld within the boundaries of the Conservation Area.

(h) ACCESS.—The Bureau of Land Management, the State of Utah, and Emery County may agree to resolve section 2477 of the Revised Statutes and other access issues within the Conservation Area.

(i) WILDLIFE MANAGEMENT.—Nothing in this Act shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife within the Conservation Area.

(j) GRAZING.—Where the Secretary of the Interior currently permits grazing, such grazing shall be allowed subject to all applicable laws, regulations, and executive orders.

(k) NO BUFFER ZONES.—The Congress does not intend for the establishment of the Conservation Area to lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(l) WATER RIGHTS.—Because the available water resources in the drainage basins included in part within the exterior boundaries of the Conservation Area have already been appropriated—

(1) nothing in this Act, the management plan required by subsection (f), or any action taken pursuant thereto, shall constitute either an express or implied reservation of surface or ground water;

(2) nothing in this Act affects any valid existing water rights in existence before the date of enactment of this Act, including any water rights held by the United States; and

(3) if the United States determines that additional water resources are needed for the purposes of this Act, the United States shall work, with or through any agency that is eligible to hold instream flow water rights, to acquire such rights in accordance with Utah State water law.

(m) WILDERNESS ACTS.—Nothing in this Act alters the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as they pertain to wilderness resources within the Conservation Area. Recognizing that the designation of wilderness areas requires an Act of Congress, the Bureau of Land Management, the State of Utah, Emery County, and affected stakeholders may work toward resolving various wilderness issues within the Conservation Area.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title such sums as may be necessary.

The CHAIRMAN. The amendment printed in House Report 106–654 shall be considered read and shall not be subject to amendment or to a demand for division of the question.

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

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

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. HANSEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106–654 offered by Mr. HANSEN:

In section 101(b), strike ''2,842,800'' and insert ''2,859,100''.

In section 101(b), strike ''dated'' and all that follows through the period and insert ''dated March 24, 2000.''.

In section 201(b), strike ''947,000'' and insert ''958,600''.

In section 201(b), strike ''dated'' and all that follows through the first period and insert ''dated March 24, 2000.''.

Mr. HANSEN. Mr. Chairman, this is a technical amendment containing the more exact acreage measurements according to the official BLM map dated March 24, 2000. According to the map dated March 24, 2000, the acreage changes are from 2,842,800 to 2,859,100. That is on page 2, line 26; and from 947,000 to 958,600 on page 7, line 15.

Mr. Chairman, this is a noncontroversial amendment. I urge my colleagues to support it.

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT OFFERED BY MR. HANSEN

Mr. BOEHLERT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT to the amendment offered by Mr. HANSEN:

In the first amendment to section 201(b), strike ''958,600'' and insert ''1,052,800''.

In the second amendment to section 201(b), strike ''March 24, 2000'' and insert ''June 6, 2000''.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the

amendment be considered as read and printed in the RECORD.

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

There was no objection.

□ 1130

Mr. BOEHLERT. Mr. Chairman, this is an amendment that has been negotiated with the gentleman from Utah (Mr. HANSEN) and the gentleman from Utah (Mr. CANNON). The amendment would expand the boundaries of the San Rafael Conservation Area to include parts of the Factory Butte and Muddy Creek areas in Wayne County. These are areas that, appropriately, environmental groups have been most interested in protecting and so am I, and thus this amendment.

I know that some Members and outside groups would like to include even more terrain in the Conservation Area. But this is the most we can get right now without destroying the fragile coalition that reached the agreement that is embodied in this bill. There is nothing in the bill that prejudices or prevents any decision to add further territory later on.

So I urge support for this amendment, which will extend the protection of this bill to two key scenic areas. Let us make the San Rafael Conservation Area as large as we can right now for the protection of the environment and the enjoyment of all Americans.

Mr. Chairman, I urge adoption of my amendment.

Mr. HANSEN. Mr. Chairman, I rise in support of the Boehlert amendment.

Mr. Chairman, I appreciate the gentleman from New York (Mr. BOEHLERT), his excellent efforts to include these areas. Maybe this technically is out of the San Rafael Swell, but, frankly, no one really knows what the San Rafael Swell is anyway. But as far as we can tell, this expands it, rather substantially in the areas of Factory Butte, which is absolutely a fantastic beautiful monument all by itself and also Muddy Creek.

And, in my opinion, this will make the bill substantially better, and on top of that, it should negate many of the arguments that have been coming up in the last little while that we have not gone far enough. This does expand it, and I agree with the gentleman from New York (Mr. BOEHLERT), let us do it now and get it done. So I think that probably ends most of the arguments that should be brought up regarding the expansion of the San Rafael Swell. And I support the gentleman's amendment to my amendment.

Mr. CANNON. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, first, I would like to thank the gentleman from New York (Mr. BOEHLERT) for his involvement and effort on this issue. Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land.

Each time that we considered a change, they have gone out of their way to accommodate the proposals. In fact, a couple of weeks ago, one of our county commissioners flew out there at great expense to negotiate language changes. He then flew back to Utah to present to a neighboring county, that is Wayne County, the expansion of the boundaries of the National Conservation Area to include such areas as Factory Butte, which, by the way, is really a beautiful area.

Although the Secretary of the Interior felt comfortable with the current boundaries, Commissioner Johnson negotiated in good faith to include more land in the National Conservation Area. Even this new county, Wayne County, was willing to work with us and developed an excellent offer to expand the boundaries.

The language that Mr. BOEHLERT is offering is this compromised language, which continues, in the spirit of this bill, to accommodate all parties.

Mr. Chairman, I urge all Members to support this amendment to Mr. HANSEN's amendment.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of the gentleman from New York (Mr. BOEHLERT) to expand the boundaries of the San Rafael Western Legacy District. I commend my colleagues, the gentleman from Utah (Mr. HANSEN), the gentleman from Utah (Mr. CANNON), for accepting this southern boundary addition.

The underlying bill would have fragmented fragile ecosystems and excluded several wildland areas. The amendment of the gentleman from New York (Mr. BOEHLERT) will bring spectacular parts of the San Rafael Swell's southern wilderness landscape into the protection of the Western Legacy District. Places like Factory Butte, pictured behind me, and Red Desert will now be preserved for generations. More importantly, the new boundary now will make scientific and ecological sense.

Mr. Chairman, I urge my colleagues to support this amendment and protect these southern Utah wildlands; and if some additional amendments can be achieved, I can even see myself supporting the underlying bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) to the amendment offered by the gentleman from Utah (Mr. HANSEN).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, offered by the gentleman from Utah (Mr. HANSEN), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

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

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the ''San Rafael Swell Region Wilderness Study Act of 2000''.

SEC. 302. DESIGNATION.

(a) IN GENERAL.—In order to maintain the options of Congress with regard to possible future designation of lands as wilderness, certain public lands in Utah, comprising approximately 1,054,800 acres as generally depicted on a map entitled ''Proposed Wilderness within San Rafael Swell Region'' and dated March, 2000, and as specified in subsection (b) of this section, are hereby designated as wilderness study areas.

(b) WILDERNESS STUDY AREAS.—The areas designated as wilderness study areas by subsection (a) are as follows:

(1) The lands identified as ''Sids Mountain'' and ''Eagle Canyon'' on the map referred to in subsection (a), comprising approximately 112,000 acres, which shall be known as ''Sids Mountain-Eagle Canyon Wilderness Study Area''.

(2) The lands identified as ''Mexican Mountain'' on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as ''Mexican Mountain Wilderness Study Area''.

(3) The lands identified as ''Muddy Creek'' on the map referred to in subsection (a), comprising approximately 235,000 acres, which shall be known as ''Muddy Creek Wilderness Study Area''.

(4) The lands identified as ''Wild Horse Mesa'' on the map referred to in subsection (a), comprising approximately 91,000 acres, which shall be known as ''Wild Horse Mesa Wilderness Study Area''.

(5) The lands identified as ''Factory Butte'' on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as ''Factory Butte Wilderness Study Area''.

(6) The lands identified as ''Red Desert'' and ''Capital Reef Adjacent Units'' on the map referred to in subsection (a), comprising approximately 40,000 acres, which shall be known as ''Red Desert Wilderness Study Area''.

(7) The lands identified as ''Price River-Humbug'' on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as ''Price River-Humbug Wilderness Study Area''.

(8) The lands identified as ''Lost Spring Wash'' on the map referred to in subsection (a), comprising approximately 35,000 acres, which shall be known as ''Lost Spring Wash Wilderness Study Area''.

(9) The lands identified as ''Mussentuchit Badlands'' on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as the ''Mussentuchit Badlands Wilderness Study Area''.

(10) The lands identified as ''Rock Canyon'' on the map referred to in subsection (a), comprising approximately 17,000 acres, which shall be known as ''Rock Canyon Wilderness Study Area''.

(11) The lands identified as ''Molen Reef'' on the map referred to in subsection (a), comprising approximately 33,000 acres, which shall be known as ''Molen Reef Wilderness Study Area''.

(12) The lands identified as ''Limestone Cliffs'' on the map referred to in subsection (a), comprising approximately 24,000 acres, which shall be known as ''Limestone Cliffs Wilderness Study Area''.

(13) The lands identified as ''Jones Bench'' on the map referred to in subsection (a),

comprising approximately 2,800 acres, which shall be known as ''Jones Bench Wilderness Study Area''.

(14) The lands identified as ''Hondu Country'' on the map referred to in subsection (a), comprising approximately 20,000 acres, which shall be known as ''Hondu Country Wilderness Study Area''.

(15) The lands identified as ''Devil's Canyon'' on the map referred to in subsection (a), comprising approximately 23,000 acres, which shall be known as ''Devil's Canyon Wilderness Study Area''.

(16) The lands identified as ''Upper Muddy Creek'' on the map referred to in subsection (a), comprising approximately 19,000 acres, which shall be known as ''Upper Muddy Creek Wilderness Study Area''.

(17) The lands identified as ''Cedar Mountain'' on the map referred to in subsection (a), comprising approximately 15,000 acres, which shall be known as ''Cedar Mountain Wilderness Study Area''.

(18) The lands identified as ''San Rafael Swell Reef'' on the map referred to in subsection (a), comprising approximately 105,000 acres, which shall be known as ''San Rafael Swell Reef Wilderness Study Area''.

SEC. 303. ADMINISTRATION OF WILDERNESS STUDY AREAS.

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Study Areas shall be administered by the Secretary in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976, so as not to impair the suitability of such areas for preservation of wilderness until Congress determines otherwise.

(b) FURTHER ACQUISITIONS.—Any lands within the boundaries of any of the Wilderness Study Areas that are acquired by the United States after the date of the enactment of this Act shall become part of the relevant Wilderness Study Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a Wilderness Study Area.

SEC. 304. DEFINITIONS.

As used in this title:

(1) PUBLIC LANDS.—The term ''public lands'' has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

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

(3) WILDERNESS STUDY AREA.—The term ''Wilderness Study Area'' or ''Wilderness Study Areas'' means one or more of the areas specified in section 302(b).

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

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

There was no objection.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, this amendment deals with the lands in the San Rafael Swell area that would be designated as wilderness by H.R. 1732, America's Red Rock Wilderness Act, introduced by our colleague, the gentleman from New York (Mr. HINCHEY). I am a cosponsor of that bill, as are 160 other Members of this body.

However, this amendment would not designate those lands as wilderness. Instead, it would require that instead they be managed as wilderness study areas.

Mr. Chairman, I am very familiar with these lands. I have walked the length and breadth of the San Rafael Swell. I have floated Muddy Creek down through the beautiful Narrows. I am convinced that these lands fully deserve and need the full protection that would come with their designation as wilderness.

So when the Committee on Resources considered this bill, I gave serious consideration to offering an amendment to provide that wilderness designation. However, I decided against offering that amendment.

I did so because of the assurance by the bill's sponsor, the gentleman from Utah (Mr. CANNON), that he intends for the bill only to defer consideration of wilderness designations in this part of Utah and not to influence one way or another the outcome of the future debate.

I have great respect for my colleague, the gentleman from Utah (Mr. CANNON). I know that he means what he says. So I decided to offer an amendment which is completely consistent with his intention, and that is what I am now offering.

This amendment is the same that I offered in the Committee on Resources. This amendment would assure that this bill is truly wilderness neutral because it would assure that the Congress would retain all its options with respect to these lands. It would do that by requiring that they be managed so they will retain their present suitability to be designated as wilderness until Congress decides in the future, not now, on that question of wilderness designation.

The amendment would also simplify and unify the management of these lands. Right now, some of them are formal wilderness study areas, others are lands that are subject to the BLM's inventory process, while others are not in either of those categories.

To be specific, the amendment will require interim protection of about 1,054,800 acres of public lands that are managed by the Bureau of Land Management. Of that total right now, about 263,000 acres are classified as formal wilderness study areas. Another 500,000 are being managed as if they were wilderness study areas, but the remaining 291,000 acres, which would be designated as wilderness under the Redrock Wilderness bill, do not even have that interim protection.

My amendment would change this. It would end the current differences in bureaucratic classification. It focuses on the most important characteristics of these lands, the things that they have in common, their wild, unspoiled character and their eminent suitability for being added to the National Wilderness Preservation System.

Mr. Chairman, by itself, this amendment will not make this a perfect bill. But by adopting this amendment, the House can assure that the bill will not prejudice the outcome of the future debate about designated wilderness in the San Rafael Swell area.

I personally think that the wilderness debate has been delayed too long. I would prefer that we were debating the question today. But for now, I can support deferring this debate about wilderness provided that in the meantime we act to prevent the wilderness characteristics of the superlative public lands from being impaired. That is the purpose of the amendment.

Mr. Chairman, it is not all that I would really like, but I think it is a reasonable and appropriate compromise. And I urge its adoption.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. Mr. Chairman, I agree with my friend, the gentleman from Colorado (Mr. UDALL). This debate has gone on too long. In my 20 years in Congress, I think this is about the umpteenth-hundredth bill we have done on something to do regarding wilderness in Utah.

One of the problems is we cannot get people to sit down and talk about it. In fact, I have a memorandum from some extreme groups that say they will not sit down and talk about, or it could be resolved. In the State of Utah, the legislature has done its study. The governor has done a study. There has been study upon study upon study.

Finally, after all of this work and after Secretary Babbitt gets involved, we say here is a way to take one small segment of Utah and get it resolved. There will be ample opportunity for this protection group that I spoke of in my opening remarks to look at this and determine where we can put this into wilderness. But just arbitrarily say, let us put all of this in WSAs, let us not look at it, let us not go.

Most of these amendments that are coming at us people have not even seen the areas, they could not even identify it. It is as bad as the Grand Staircase Escalante, when the person who designated it put it in the wrong State. Anyway, be that as it may, we find ourselves in the situation here where this is unnecessary.

There is no reason to do this amendment at this time because there will be things coming up. Some extreme groups are claiming that this is an antiwilderness bill because it fails to designate wilderness, the very reason we are failing to designate wilderness, because we cannot get to that point. And when we can, it should be, some of it should be; I do not have any argument with that.

I do not buy into the argument that wilderness is the only thing, the only panacea that is going to solve and protect ground. In fact, I can give you actual cases where it is gotten better protection under a management plan than it does as a national monument or wilderness.

So when they buy that argument, that is very fallacious. As many Members know, the issue of wilderness in Utah is a polarized one, and Utah has become the focal point; however, that debate has gone on and on.

H.R. 3605 will finally, finally protect nearly 1 million acres of BLM lands in

central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness grounds. It is right in the bill, so why do we need this amendment?

In fact, this process has resulted in further protection already. The BLM, after working with the county, and I hope the gentleman realizes, it has been in all the papers in Utah, maybe in Colorado, recently closed OHV trails in wilderness study areas, and this will ensure that these lands remain available for wilderness protections by some future Congress when we have a chance to look at it, to digest it, to see if it fits the criteria of wilderness, which no one seems to know.

If you look at the 1964 Wilderness Act, the criteria of wilderness is untrammeled by man, as if man was there, there was no sign of man. What does that mean? I would be willing to ask my colleagues on both sides of the aisle show me a picture of this area, show me where those roads, those signs of man would be.

We do not get that. We just get these general statements of amendments. The BLM will formulate a management plan, will ensure that those lands that have wilderness qualities will be managed to protect those qualities, and that is what the Secretary is saying. That is why Molly McKusack went down, 8 months pregnant she went down there, bless her heart, and walked all over the area and saw the whole thing. This is a great lady who went to all of this work so we could come up with this piece of legislation.

H.R. 3605 mandates that. Furthermore, the legislation formally recognizes that wilderness is left to future Congresses, and that is where it should be. Congress should be the ones to act on the public lands of America. Congress should be the ones to do national monuments and to do wilderness areas. This bill will ensure that these lands are protected.

Wilderness designation is very complicated, and simply dropping legislation that ignores all the science, all the work of the BLM professionals, all of the support of Secretary Babbitt, all of the support of this administration; and let us just pass the bill today, and let us vote against the amendment of my friend, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I want to first express my great respect and affection for my colleague, the gentleman from Utah (Mr. HANSEN). I think we do see this in many ways in a similar fashion. We both agree that the Congress ought to decide the ultimate fate of these lands, and that is simply what this amendment would do. It would just say these are going to be wilderness study areas, that we will manage them in that way, so we do not preclude the option of Congress.

As you know, Mr. Chairman, if these lands are left in a state where they can be degraded in any way, then the point becomes moot as to whether they have wilderness values in 5 or 10 years; and that is all this amendment would do is make sure these lands are managed in the way that we say we want them to be managed.

Mr. HANSEN. Mr. Chairman, if I may reclaim my time and say to my friend, the gentleman from Colorado (Mr. UDALL), I would offer the gentleman and any of my colleagues on the other side of the aisle, come on out, let us look at it, let us have input in this area, if you want that input; but let us do it by that method rather than finding ourselves in a situation we arbitrarily put a wilderness designation in it. I think the gentleman should withdraw his amendment, but I say that with my tongue in my cheek, obviously.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

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

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. UDALL of Colorado:

At the end of the bill add the following new title:

TITLE III—LAND MANAGEMENT

SEC. 301. PROTECTIVE STATUS.

Pending completion of the management plan required by section 202(f), the Secretary shall manage each section of the Conservation Area in a manner at least as protective of the environment as was the case on June 6, 2000.

SEC. 302. INTENT REGARDING MANAGEMENT PLAN.

The Congress does not intend for the establishment of the Conservation Area to reduce the protection of any land within the Conservation Area. The Congress expects that, in general, the management plan developed under section 202(f) will be at least as protective of the environment as were the Bureau of Land Management policies in effect as of June 6, 2000.

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

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

Mr. UDALL of Colorado. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue reading the amendment.

The Clerk continued reading the amendment.

□ 1145

Mr. BOEHLERT. Mr. Chairman, my amendment would ensure that the conservation area results in more, not less, protection for the land within its borders. That is the whole point of this bill, after all.

Of particular concern are the so-called 202 lands, lands that are not now wilderness study areas, but are being considered for that designation. My amendment includes two provisions to ensure that such lands and other lands outside the WSAs are strongly protected.

First, my amendment makes clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now, pending completion of the management plan.

Second, my amendment clearly states Congress's intent that the management plan overall only strengthen existing land protections. We have to allow some latitude for the management plan, or there is no point in developing it. But the burden of proof will be on those who want to weaken protections for any portion of the conservation area, and the overall plan must at least maintain the current level of protection.

Mr. Chairman, I know that the gentleman from Colorado (Mr. UDALL), my friend with whom I have so often worked closely in partnership, would like to go a step further and give more land WSA status, and that may indeed be something we should do at a later date, but this bill is designed to move the ball forward without raising new wilderness issues.

My amendment should guarantee that land in the conservation area is more protected than ever before. Let me stress that. My amendment should guarantee that land in the conservation area is more protected than ever before. Let us save for another day, without prejudice, the question of how much more of that land should be WSAs or wilderness. Let us provide further protection now, without undermining the progress embodied in this bill.

Mr. Chairman, I urge support for my amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

I rise in opposition because I think that the amendment, while well intentioned, fails to recognize the battle that rages in the West over wilderness study areas. What the gentleman from Colorado (Mr. UDALL) is trying to do with his amendment is to protect many of those lands that, in fact, have been identified as having wilderness qualities eligible for wilderness study areas, but have not yet been designated. That is one of the problems that the gentleman from Washington (Mr. INSLEE) will address, because if we look at the southern edge of the boundary here, we have significant areas that have been identified in the 202 process, and that is halted and it is halted as of this day, which means, in fact, they can be managed in an area that is inconsistent with the notion that they would later be designated as a wilderness study area. That is also true on the western edge of this swell also where that is going on outside of the boundaries.

Now, why do we have to designate these wilderness study areas, which is

different than designating them as wilderness? That is a separate determination. We do that because we have to protect the environmental assets that are on the ground, in place. We know that out West there is a hard attitude in some communities against wilderness, and we know that there is constant lobbying going on in terms of claims on land, in terms of efforts to push roads into lands, into ORV policies that do not adequately protect them, and then later, those are used as evidence saying that these lands should not be wilderness because they have been degraded.

So this amendment does not really protect those lands, even those lands that have already been designated by BLM in its process that it went through of reevaluating these lands after a rather flawed process in the late 1980s and in the early 1990s.

This is not a stagnant situation. This does not just stay frozen in time because of this bill or this amendment. With all due respect, wilderness is about politics. Wilderness is about politics. It is about judgeships, it is about appointments, it is about what the administration wants and does not want. This is not child's play; this is the big leagues out West. So U.S. senators saying what they want and what they do not want in wilderness has nothing to do with the environment, and what members of delegations tell the administration, this administration and the next administration and the last administrations. It is sort of nonpartisan, if you will, in some cases, or bipartisan, because this is the struggle about the politics of local communities and of the States. If we do not adopt the Udall amendment, all of that continues and these areas are quite eligible for further degradation of those environmental values.

The gentleman from New York (Mr. BOEHLERT) is trying to upgrade that but, in fact, the amendment does not do that. That is why we need to designate these lands as wilderness study areas.

Finally, let me say, as the gentleman from Utah suggested, that this is an arbitrary amendment, that we are just slamming down wilderness study areas. The fact of the matter is much of it is as a result, or all of it is as a result of the 202 process that has been gone through and has identified these areas. This is far from arbitrary. In fact, very little about wilderness is arbitrary in the West because it has been argued for so many years and has been identified and the values have been argued back and forth. So the fact of the matter is, to provide the real protections that these areas are entitled to means that we have to reject the Boehlert amendment and pass the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to acknowledge the good work that I have completed with the gentleman from New York (Mr. BOEHLERT), my friend and colleague. I do think there is a dilemma here. I think that the gentleman from New York (Mr. BOEHLERT) wants to do the right thing, he is trying to do the right thing with his amendment, but I think it is only almost the right thing, and I think that that is just not quite good enough.

The gentleman from California (Mr. MILLER) points out that the rub here is that if we allow these lands to be degraded, then they do not meet the standard of wilderness, and so our choice then, the decision that we talked about making in the future could be precluded and we would not be able to make that choice. There are half a million acres of lands that only have administrative protection under the wilderness study status, and there are another 260,000 acres of land that have no protection at this time.

So I would, with some reluctance, need to oppose this amendment from the gentleman from New York (Mr. BOEHLERT). It just does not quite get there; it only keeps the status quo in place.

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

I rise in support of the Boehlert amendment to the Udall amendment.

I would like to start by thanking the gentleman from Colorado (Mr. UDALL) who has been very active in this discussion in a way that has brought a certain collegiality, a certain friendliness to the process which I think sometimes has been missing in the past and, certainly when we get outside of these hallowed halls, it deteriorates sharply. But there are a couple of things that I would like to say to help folks here to understand what is going on here and where we are headed.

First of all, to describe half a million acres as not adequately protected because it is only protected under an administrative plan does not mean that it is not significant and major protection.

Secondly, let me tell a little story if I can to help give a sense of what this area means. A couple of years ago, I was invited to tour a facility of Intel in my district and little had I known that they ended up with 500 employees, it had grown virtually overnight and after I visited the facility, they asked me if I would like to speak for a few minutes to the employees, so I took a few minutes and talked about what was going on in Washington and then asked for questions. The first hand up was this question: What are you going to do about the Sam Rafael Swell? Not knowing exactly what I was into I said well, let me ask you all a question. How many of you have been motorbiking in the San Rafael Swell?

Now, most of these people were new move-ins from other areas, came to Utah because it is a remarkably beautiful place where they can come to work in a high-tech environment but get out and enjoy the incredible beauties of my district. As I asked that question, how many of you have been motorbiking, I looked over at that audience, and everybody in that audience was making some multiple of $75,000 a year; these are high-tech, high-paid people, and three-quarters of the hands went up.

Now, we cannot just talk in the abstract about land that people are coming from all over the world to visit, to see, and to go four-wheeling on and just say that we want a perfect wilderness bill with perfect wilderness protections when that is not going to happen, at least in the near term, and the amount of degradation that is going on by people who are not channeled into the right areas, into the areas that would probably be most interesting for them, but which would be the most robust; if you have a wash and you run down a wash on a four-wheel drive, it does not do anything. But if you have people out wandering without the right signage out there, if you do not direct people where to go and let them know what they are doing when you get them off the roads, then you are going to have massive degradation; and that has been happening today.

Now, the county and BLM have done some really dramatic things. They have changed the dynamic of how we are organizing things out there. But I urge my colleagues to remember this. In an area the size of the State of Connecticut, we have one BLM enforcement official. That man cannot possibly, without immediate, without current, without right-now help, he cannot possibly help solve the problems of the degradation that is going on. This bill immediately solves the problem. In fact, BLM and the county have already significantly reduced the ability of these people to get off in the wrong areas with signage and other things.

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

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

Mr. BOEHLERT. Mr. Chairman, a key concern that the gentleman from Colorado (Mr. UDALL) and I share is continuing the protection of the so-called 202 lands. My amendment says that the 202 areas must continue to be managed at least as strictly as they are now.

My concern about going further, as the gentleman from Colorado (Mr. UDALL) does, is that it will destroy a very delicate and very carefully crafted agreement, and we will get nothing.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me just point out, and I will be happy to yield if I have further time, the current 202 process is on hold from an appropriations bill rider. This bill moves us beyond that and puts the 202 process; that is, the reinventorying of wilderness areas, back on track

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

Mr. CANNON. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am seeking clarification from the gentleman from New York (Mr. BOEHLERT), if the gentleman from Utah (Mr. CANNON) would yield for a question.

Mr. CANNON. Mr. Chairman, I am happy to also yield to the gentleman from New York (Mr. BOEHLERT) to answer a question.

Mr. BLUMENAUER. I thank the gentleman.

Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) is talking about the protection of the 202 areas. Would that not only apply to the areas within the boundary that is designated under this bill and leave off all of the other areas that would have been included under the Udall bill?

Mr. BOEHLERT. Mr. Chairman, the gentleman is correct, it would include the areas covered in this bill. It is the same as Udall, is my understanding.

Mr. BLUMENAUER. No.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me point out to the gentleman that we already included an extension of the area that would include the Factory Butte and other wilderness study areas to the south of this area.

Let me just finish by saying then, Mr. Chairman, this bill goes a long, long way to take violent, strong forces and bring them together for current protection of this area, which will not happen in a more restrained environment.

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

I rise in support of the Boehlert amendment. Mr. Chairman, I really think what we have here puts in perspective that the gentleman from New York has crafted the middle ground. Here is what the bill says, here is what the gentleman from Colorado (Mr. UDALL) wants, and he has come up with a very moderate and reasonable middle ground that should solve this issue and take care of the problem.

I ask my friends from Colorado, what more do you want? We have taken out mining, we have taken out mineral leaving, we have stopped OHV from going into the area, we just expanded the area. And I keep hearing this argument, well, what about the rest of the area? Listen, I am a native of that area, I have been through that area, I have camped in that area, my dad had mining in that area. I have even looked for cows where there is no grass to feed them in that area.

□ 1200

We get down there and say, what other area are they talking about? We have covered the area. That is the whole show. That is the whole shooting match.

Now, if they want to go over to Nevada on one side, Colorado on the other side, go through those big rolling hills of sagebrush that maybe the President put in the national monument, that is fine. Go ahead and do that. We have covered the area. There is nothing more to do.

When we get down to that, let us cover the area, and the last time these gentlemen were there, tell me what they are talking about; the last time they rode in that country, rode an ATV, put a back country pilot there. There is no other area. This is the whole shooting match that we have got in this bill.

I think the gentleman from New York has come up with a fine way to handle this area. I support that amendment that he has made to the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from Utah, for yielding.

The gentleman asks me what I want. I appreciate all the good work that has been done. What I want is for the gentleman to support my amendment. I think it makes good sense. I want to just make the point that this is not about creating new wilderness, as my colleague, the gentleman from Utah (Mr. CANNON), might suggest. This is just about protecting these lands that are already in pristine shape in the wilderness study category.

Mr. HANSEN. Mr. Chairman, reclaiming my time, I renew my offer to my good friend from Colorado. Let us go out and spend some time and look at it. We can work with these BLM professionals. Why do we not trust these BLM guys? That is what this whole bill is about.

I feel kind of funny in this position, Mr. Chairman. The folks on the other side of the aisle are saying that to me. But I am just saying, okay, they have in good faith gone out there, they have spent hundreds of hours on it. They have shown us they are doing it right. I am willing to trust them to do it this time.

I would ask my friends on the other side of the aisle, come with us. Let us all go together and say, let us have our input into it, but let us not do it abstractly, off the top of our heads, without seeing the area, knowing the area, talking to the people. Those things are all important.

For some reason, I have the opinion that the people who live on the ground should have some say in it. I think it would make a lot of sense that they have a say in it. They are our commissioners, our Governor, our legislators. They support this legislation. I think those people are kind of important, myself. I am sure the gentleman from Colorado would agree with that.

Mr. UDALL of Colorado. I agree. My question is, are we going to walk, ride, or float?

I also would acknowledge that the local people ought to have some input in this, and I think they have. But as my colleague, the gentleman from Utah (Mr. CANNON) suggested, the West's economic structure is changing. People are coming to the West for different economic reasons. They want to have these open spaces. They want to have places in which to recreate.

I think that is the intent of my legislation, my amendment, is to keep that option open in the long term. I thank my colleague.

Mr. HANSEN. I appreciate the gentleman's comments.

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

Mr. Chairman, as a Westerner, and not the near West, like my friends, the gentlemen from Colorado and Utah, but the real West, out there in the West Coast, I have some modest sense of what goes on in wilderness areas. I have spent a little time interacting with people over the last 30 years as an elected official. I have watched the dynamic.

I would not pretend to be an expert in the wilderness areas in Utah, but I would take some exception with perhaps lumping in my friend from Colorado with people who do not quite know what they are talking about. I would venture a bet that there is nobody in this legislative body that has spent more time on foot and on watercraft going through this area than the gentleman from Colorado (Mr. UDALL). He is offering this up not as an extremist.

Again, I am concerned about the rhetoric that is sometimes employed when talking about people who are concerned about the protection of these precious resources that belong to the American people as extremist.

I am one of 160 cosponsors in this assembly of H.R. 1732, America's Red Rock Wilderness Act, which would go far beyond the amendment offered by my friend, the gentleman from Colorado. I do not think those 160 people or the vast majority of groups and organizations and media outlets that are involved in supporting it could be characterized as extremists. Indeed, I come from a western State, and I think a lot of the people would be regarded pretty much as mainstream.

Coming forward, I am supporting the Udall amendment and against my good friend, the gentleman from New York. Often I find I am on the same side on issues of protecting wilderness values. But the question that I posed to him in terms of what would be protected in terms of those 202 lands, it is clear if we look at the map that what the Boehlert amendment would do would be to extend it to the portion that is in the bill itself.

The Udall amendment would go far beyond that to deal not with a political fix that makes sense in terms of the local politics in Utah, in terms of county boundaries and where roads are. But looking at it from satellite, looking at it in terms of an ecosystem, the Udall amendment would provide wilderness study. It would not designate it as wilderness, but it would require that we

get on with the study, and it would reserve to this Congress the ability of making a wilderness designation, if that is what is warranted, over the whole area, and not having degraded it in the time being.

These are areas that are under assault. I am sure that my friend, the gentleman from New York (Mr. BOEHLERT), would not like to see this area eroded away, that we would have an arbitrary fracture of the whole wilderness potential area; have damage, have people establish in their mind that it is severable, when in fact I think he would agree, based on his environmental orientation, that it is not.

I have great sympathy for the problems of people who are in small States where these are very inflamed and sensitive issues. I know there are strong cross-currents. We need to respect them. There has been lots of opportunity in Utah, and that will continue.

I respect what my colleagues from the Utah delegation have done, and Secretary Babbitt. But I think we ought not to foreclose the opportunity of doing this right by adopting the Boehlert amendment and undercutting what the gentleman from Colorado (Mr. UDALL) is trying to do, protect the options of this Congress and protect the future of that area.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague from Oregon for yielding to me.

Just to set the record straight, my colleague, the gentleman from New York (Mr. BOEHLERT), who is trying to do the right thing, and he is almost right but I think we need to do more, if we look at his amendment, it would leave out the following areas: The limestone cliffs, Jones Bench Rock Canyon, Molan Reef, Eagle Canyon, and the red desert and others.

This is about wilderness study areas, not about creating wilderness. This is about maintaining areas in the wilderness study category so Congress can make those decisions when we deem fit.

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

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

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding. I have a high regard for the gentleman, as he well knows.

We are not foreclosing any options. We are saying, very simply, we are making it clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now. Secondly, we are stating clearly Congress' intent that the management plan overall only strengthen existing land protections.

This can be revisited later. We may well be on the same page when we do so.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

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

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

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

Mr. BOEHLERT. Mr. Chairman, I have completed my thoughts, but I just want stress to one and all that this is a very fragile, carefully crafted agreement which has been signed onto by the Secretary of the Interior, with whom we have been in touch just this morning.

We are not foreclosing any options. Once again, we have worked so well in the past, and I look forward to working continually in the future as well. We are not foreclosing any options. We may revisit this and say we have to do more, but let us not put at risk this carefully crafted compromise. I thank the gentleman.

Mr. BLUMENAUER. Reclaiming my final minute, Mr. Chairman, the area that I take exception to what the gentleman is talking about is two-fold.

One is that it leaves out areas that have already been studied and virtually all rational people agree have wilderness characteristics. They are sensitive areas. His amendment would undercut what my colleague from Colorado is attempting to do.

Second, these are areas that are in fact under assault. These are areas where there are extreme pressures, where there is growing use of recreation vehicles. It is extraordinarily destructive, in the public mindset. With all due respect, I do think there are problems. That is why I do not want to settle for the limited vision that is so uncharacteristic of my friend, the gentleman from New York.

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

Mr. Chairman, I would like to thank the gentleman from Colorado (Mr. UDALL) for addressing this important issue. I rise in opposition to the Boehlert amendment, and to offer support for the underlying Udall amendment.

I urge all my colleagues to support this amendment. This is a commonsense approach to ensure that we do not have wilderness destruction by default. Like the gentleman from Colorado (Mr. UDALL) and many others, I believe that the entire area deserves the greatest protection we can offer.

In a sense, I am from the West. I represent part of western New Jersey. I want to make the point that this is a national treasure that people in my district, as well as in the district of the gentleman from Oregon (Mr. BLUMENAUER), as well as in the district of the gentleman from Colorado (Mr. UDALL), as well as in the district of the gentleman from New York (Mr. BOEHLERT), value strongly.

H.R. 3605 does not provide the protection this area needs. Like many, like the gentleman from Colorado (Mr. UDALL) and many others, I, too, am a cosponsor of H.R. 1732, America's Red Rock Wilderness Act. I believe it is only prudent to add the lands in the San Rafael Swell to those areas designated in this act as wilderness study areas.

I believe that by making all the lands in this region wilderness study areas, we can be certain that this land will be protected until Congress makes a permanent decision on classification. This amendment would preserve the land and preserve our options.

This amendment thoughtfully addresses the inadequacies of H.R. 3605. I know no one who understands this issue better than the gentleman from Colorado (Mr. UDALL), and I rise in support for his amendment. I urge all Members to support this reasonable compromise.

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

Mr. Chairman, this is an issue of profound importance to me. I actually grew up in the Slick Rock country of southwestern Colorado, a little tiny place called Fruita. There is also a Fruita, Utah, which I know well. I went to the University of Utah for undergraduate school, and the University of Wyoming for graduate school.

I respect very much the efforts of my colleagues on both sides of the aisle today to try to resolve what is admittedly a complex and difficult issue. But I feel the need to put it into context.

As we talk here on the floor of the House and as we look, if we walk back and forth from our offices with the cacaphony of noise, cars, taxis, whatnot, in southern Utah today there is profound silence. The areas we are talking about have a silence which most Americans cannot imagine. It is a silence that is breathtaking, a silence that is awe-inspiring, a silence which must be preserved.

When we take someone, as I have on several occasions, for hikes there, they are profoundly moved, moved in ways that we cannot describe in the debate on the floor, moved in ways that we cannot put in words in the language of legislation, but moved in ways which we must protect and preserve, because they touch at the very heart of our souls. They touch at the heart of our being. They touch at the heart of what is great about America.

This legislation we are talking about, the Udall amendment, is designed to do fundamentally this: to preserve that option for current generations, and to study ways in which it can be preserved for future generations.

The other thing that is happening in southern Utah today, even as we speak, is that ORVs and other activities are, in some cases willfully, in some cases inadvertently, intruding upon areas that by rights, by qualifications, should be designated as wilderness. We need to stop that.

There are places, Mr. Chairman, where we are not allowed to tread, because to tread on something would be to tread on sacred ground. To intrude

the noise and the destruction that currently is happening in parts of this wilderness area or potential wilderness area should not be allowed.

□ 1215

I rise in strong support of the amendment offered by the gentleman from Colorado (Mr. UDALL). I would like to take every Member of this body on a 3- or 4- or 5-day trip to understand what happens, how transformational it is to go to those lands. Not everybody here can do that, but I would invite them to do that. And I strongly urge support for the Udall amendment.

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

Mr. BAIRD. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I would like to thank the gentleman for his moving description of my district. It is truly a wonderful breathtaking area, and we invite all of our colleagues and everyone in America to visit and to enjoy the experiences that the gentleman has obviously had there.

Let me add that one of the deep concerns that I have here is that we do have uncontrolled and destructive off-highway vehicle use. I believe that if this body supports the Udall amendment, that this bill will not go forward, that destruction will continue, and we will not have even the opportunity to currently solve the growing problem that we have today.

So sharing the gentleman's views and his sincere desire to see this continue, I suggest, is the best reason for opposing the Udall amendment.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I appreciate the comments of the gentleman from Utah (Mr. CANNON). My concern is this: I appreciate the sincere effort to reduce the damage to the existing areas, but there are, however, very precious and unique lands that are currently left out of this legislation and that the amendment offered by the gentleman from Colorado (Mr. UDALL) would address.

My fear is we do not address that. And my other fear, as I understand the legislation proposed, is it would manage areas at current management levels, but not at more potentially restrictive designations.

Mr. Chairman, I think we need to make sure that two things happen: we restrain and restrict and stop the destruction currently caused by ORVs in the existing and proposed areas and that we expand those areas recognized for their unique features.

It is indeed the area that the gentleman represents, and I respect that very much. But it is also an area cherished and regarded by the entire country as a unique national resource. That is why we are here today to speak on their behalf, the U.S. Congress speaking on behalf of that.

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

Mr. Chairman, I support the amendment offered by the gentleman from New York (Mr. BOEHLERT). The Members from the other side of the aisle from the West who have described in most eloquent terms the areas of silence, the areas that truly still represent the pristine nature of the mechanics of creation under which they have evolved for so many millions of years, are correct in their assessment to protect these lands that are public lands.

The gentleman from Utah (Mr. CANNON) feels, and correctly so, that if the amendment is offered and then is passed, it is likely that the bill will not pass and then the difficulty of trying to restore many of these beautiful areas, some of which are designated wilderness, many of which are not managed in that way but could be managed in that way, will not prevail.

So in this interim step, we are moving in the direction, I believe, and certainly will work in that direction, for the preservation of much, if not most, if not all of this beautiful pristine area of Utah.

Now, I have never been to Utah, but I lived in a designated wilderness area of northern Idaho in the Bitter Root Mountains. We lived, my family, in a little cabin on top of the mountains in a designated wilderness area the size of Massachusetts. Our nearest neighbor we could not see from the highest mountain because they were well on the other side of the horizon. So our respect for this magnificent land and restoring and keeping it in this pristine state is something that I think we all can work diligently for.

Mr. Chairman, I am from the State of Maryland; and we do not have any designated wilderness study areas, except for a tiny little place called Assateague Island on the Atlantic Ocean. But every place else in Maryland, if we read the letter of the law, would not be suitable for a designated study area. Yet I think most of us know if we set aside a little land, and I have seen it happen by State law, if we set aside a little land, nature will come in and that silence will come back, only broken by the occasional migrating song bird or the yipping of a fox or a coyote or a bald eagle.

So in the interim of the designation of this as designated wilderness land, I think the gentleman from New York (Mr. BOEHLERT) has the bridge which we can construct, and we can cross it later on.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for his remarks, and he has been a wonderful supporter of the environment. This is different than the process that he might be familiar with, as the gentleman said, in Maryland or even in many parts of California any longer.

The threshold for wilderness is very, very high. That is why we go through extensive studies.

Mr. GILCHREST. Mr. Chairman, reclaiming my time for a second, I would like to work on legislation to change the threshold of the requirements to designate something wilderness. The gentleman from Utah (Mr. HANSEN) had an eastern wilderness bill that was percolating through legislation that would have designated certain areas east of whatever meridian it was, east of the Mississippi River, which I actually supported, which would have changed the classification for what could be designated as wilderness, because there were many areas in the east that would not meet that classification. I would like to see it change.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would continue to yield, I would invite the gentleman to read the Wilderness Act, because that threshold is quite properly set, because we cannot achieve the quality that the gentleman from Washington (Mr. BAIRD) talked about, and others have experienced, by simply changing designations.

It is about a place. It is about the quality of the place. It is about a place that is untrammeled. And that is why, as we go through these areas in Utah or California or anywhere else and we look at them, they are taken in consideration with their surroundings. So if ORVs have gone crazy in the meantime, or people have punched in roads, or mining claims have been established, they are not qualified for wilderness because we cannot achieve the qualities in the Wilderness Act.

As the West continues to fill up with people at the rate that it is, the preservation of these qualities is more and more difficult. I am not lecturing the gentleman, because the gentleman appreciates this. But my point is that the Boehlert amendment does not go to these areas that were cut out by an arbitrary county line and so we start to lose those qualities here, and they impact on the wilderness study areas on the other side of the line. That is the tragedy of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL).

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

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

The point of no quorum is considered withdrawn.

Are there other amendments?

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 14 through 22 and insert the following: ''(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated March 28, 2000.''

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANSEN. Mr. Chairman, the amendment is not in proper form, because it is drafted as an amendment to the wrong page and line of the bill.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has placed a corrected form at the desk, and the Chair would ask the Clerk to report the corrected form.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 19 through 22 and insert the following:

''(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated March 28, 2000.''.

Mr. INSLEE. Mr. Chairman, I appreciate the gentleman's correction. We appreciate that. We also appreciate the interest of the gentleman from Utah (Mr. HANSEN) in this bill and his sincere effort to move forward in this regard, as well as the interest of the Secretary of the Interior.

Mr. Chairman, our amendment is necessitated by the simple fact that the bill as currently written falls considerably short of protecting the San Rafael Swell in its entirety. What our amendment would do, which is widely supported by those who are interested in the Red Rock area of this wonderful State, would essentially add about 14 percent of the San Rafael Swell that is not currently protected by the legislation.

Mr. Chairman, I think any of us who are familiar with this area would conclude that these hundreds of thousands of acres which we have not proposed to be protected in this bill need to be protected both because of their scenic splendor, and because of their virtue of silence and their ecosystem protection for various endangered and threatened species who live in the area.

Let me address those issues if I may, Mr. Chairman. Basically, what happened to create the imperfection in this bill as it currently is situated is that the drafters, in attempting in good faith to obtain consensus, have drawn a boundary of the San Rafael Swell created by man with political boundaries and sometimes by small roads, rather than on the Creator's boundaries, the way the Creator made this land and these incredible rock formations.

In that regard, boundaries as currently drawn would cut off a significant portion of the area which is so scenic and so important to the ecosystem in this area. Those include a number, and I want to talk about some of those areas because they are incredibly scenic. Those are the Eagle Canyon area, which is perhaps closest to the populated area in Utah; the Rock Canyon area; the Molen Reef area; the Limestone Cliffs area. Let me address why some of these areas are important.

Let me address this Limestone Cliffs area. This is an area which is essentially a conduit for elk, deer, a number of wonderful critters when they go between the lower elevations and the higher elevations. If we do not protect these areas, we will not have done justice to the basic thrust of this bill.

There is an area here too that I just cannot fail to mention. There is an area that would be protected under our amendment called the Mussentuchit Badlands, and I think that is the proper language that we ought to think about it. Because ''mustn't touch it'' should be the approach that this Congress takes to not allow development or spoiling of that area. It is an incredibly beautiful area. Those who have been there know, this is sedimentary rock, this Red Rock Canyon area. In this Mussentuchit Badlands, there are fins, vertical layers of igneous rock that come shooting up out of this sedimentary rock that are really spectacular.

Why is that not protected in the bill? Why did the drafters not include Mussentuchit Badlands? The reason is sort of an artifact of political boundaries. Frankly, if we are going to protect this area, we have got to protect it the way the Creator made it, not due to political boundaries.

The Limestone Cliffs area I addressed happened to be west of a boundary line of a particular county. It is in Sevier County. Now, why we should exclude an area simply because it is over a county line? I do not think that comports with the basic thrust of this bill, which is to protect wild areas, to protect scenic areas, and to protect these ecosystems.

□ 1230

I will tell my colleagues, the deer and the other animals who reside in this area do not respect these county lines. When we develop a boundary for a conservation area, we should not draw these boundaries the way man has on the map but the way they are created and laid out on the ground.

Let me address, if I can, a basic, perhaps, argument here today between some who suggest that, I guess, if one does not live in Utah, one does not have enough sensitivity or care or knowledge of this land. I do not purport to have the knowledge of the representatives of Utah about this land.

But what I would say is, when it comes to Federal land, when the good people of Utah come to Mt. Rainier in Washington, my home State, they take back a piece of Mt. Rainier back to Utah. It is something they never forget. It is the same of the people I represent. When my software engineers go down and hike the Red Rock Canyons, they take a piece of Utah back with them that is right here as much as in Utah.

We will respect our constituents nationwide if we adopt this amendment and fully protect this incredible area.

Mr. HANSEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, let me respectfully point out, and let us go back just a little half hour ago when we had the gentleman from New York (Mr. BOEHLERT) cure the county line problem. This is not in Emery County. We are not following county lines. So now it goes into Wayne County.

I thought we solved this problem on expansion because we took in the most beautiful areas. We took in that bottom part of Muddy Creek. We took in Factory Butte. That was done. So we have already cured that problem, if I may respectfully say to the gentleman from Washington (Mr. INSLEE).

Let me also point out one other thing. Who drew these lines? These lines were drawn by the Secretary of the Interior. Who is to say what is beauty to the eye out there? I find it interesting that folks keep standing up and saying it is not in the swell. Well, what is the swell? Will somebody please define that? Now, the local folks have defined it. The BLM has defined it. The Secretary has defined it. The State of Utah has defined it. All of a sudden, we are finding new definitions.

Now, we get one that expands off to the west. Now, what is in that western area? That western area, I know some groups would like to include it; and in many of their proposals through the last 20 years, they have included that.

But let us go back to the idea of saying, well, what is the definition of wilderness, which I think we are getting at here. The definition and what fell out of the definition is no roads, no sign of man, man was never there.

Now, let me point out, the area that the gentleman is talking about has gypsum mines in it, a whole bunch of them in there that people mine, are currently doing that. The area the gentleman is talking about has roads through it. Not only are they just two tracks that we often debate on this floor, they are county roads that are graded and have got regulatory signs on them. What we are talking about is there are communities in that area. I mean, this just does not fit. It does not fit the definition.

So I have great respect for the gentleman's argument. But as far as I am concerned, why did we go to all this work? Why is it BLM agreed on this? Why is it the Secretary agreed on this? They are not apt to give away grounds of the West. I have never seen this Secretary do that. If anything, he even expands them.

So, in my mind, I have no problem with the intent of the gentleman. But

let me respectfully say that this does not fit the area. Let us go back to what BLM did. Let us go back to the professionals. Let us go back to the definition of words. Let us not put an area that does not fit, does not add anything to the swell at all, it would really be detrimental to it, and it would hurt the industry in that area and hurt the communities and hurt the employment. Therefore, I respectfully would oppose the gentleman's amendment.

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

Mr. HANSEN. I am happy to yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I just want to make sure there is no confusion because my understanding is the amendment of the gentleman from New York (Mr. BOEHLERT) added certain lands south of this particular county. However, it did not add areas that were subject to wilderness potential study and certainly which we believe is within this swell area in Sevier County. I am speaking specifically of the Limestone Cliffs area.

Now, I just want to make sure that we understand the amendment of the gentleman from Washington (Mr. BOEHLERT). This is our understanding on this side. I just ask the gentleman from Utah (Mr. HANSEN) to clarify that.

Mr. HANSEN. Mr. Speaker, I apologize if I misinterpreted the gentleman's earlier comments when he talked about where we were following county lines. The gentleman from New York (Mr. BOEHLERT) went right through a county line with the agreement of people and went into Wayne County. Now the gentleman talks about Sevier County that is to the west, and that is where our argument comes down. We say it does not qualify. It hardly qualifies.

But if I may respectfully say so, some of those organizations that some folks are looking at what they have come up with, in looking in the last 20 years, some of them go right over the top of everything but an interstate, right over little cities, right over other areas.

I think this one, and I really wish the gentleman from Washington (Mr. INSLEE) would come out with me and look at it, because I would sure like to show him a few of the people out there who live on that area, who mine that area, who live there, who have school buses go up and down it. I do not think we want to hurt those folks.

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

Mr. HANSEN. I am happy to yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, if I might just say, my district, as I pointed out a little earlier, has really remarkably beautiful areas. The area the gentleman is talking about in Sevier County is actually a pretty nice area, but it is a long way away of what we are trying to deal with here. What we are trying to do is establish a process so we can, in fact, integrate all of the facets of public land management into one bill.

So I oppose the current amendment on the basis that it goes way beyond what makes sense on the ground and does not add anything to the Boehlert amendment, which actually does bring this all together and in an integrated fashion.

Mr. HANSEN. Mr. Chairman, reclaiming my time, let me just say the Boehlert amendment very logically went into an area that is absolutely gorgeous. The gentleman from Utah (Mr. COOK) put up a picture showing one of the prettiest areas in southern Utah. It is a well thought out, well crafted amendment, and something we should all go with. I am glad to see we agreed on that. I am glad to see the two counties agreed on that. That took a long time to get those folks to the table.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Inslee amendment because I think, absent the Inslee amendment, we do not have the kind of package here that is necessary.

The Boehlert amendment does not fully protect the lands to the south. In fact, some of the wilderness areas are, in fact, split by that amendment.

The point here between the Udall amendment and the Inslee amendment is to, in fact, provide the kind of protection that is necessary to maintain the potential wilderness qualities of these areas by designating them as wilderness study areas and expanding the boundary.

I appreciate apparently mining is okay, good enough for the wilderness areas inside the boundary study areas, but it is not good enough for the areas outside the study. Let us be consistent here. I would prefer we did not have mines in either one of them. The fact it exists, and that is why it is a study area to see whether or not it can meet the definition of wilderness.

Wilderness is not something that we go back and we create. Wilderness either exists or it does not exist, and we designate it. We do not create it. It was created by the creator, if you will, at this point. The question is whether or not we have the ability to recognize it and to protect it.

As I said, it is a difficult and a tough threshold. If one would read the definition of wilderness, in contrast to those areas where man and his own works dominate the landscape is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor and does not remain, and it goes on with the characteristics. These areas are tougher and tougher to find.

The gentleman from Utah raises a number of concerns that we obviously have as we look at these wilderness areas, as a number of them probably will not qualify. Although that particular area may have great environmental value, but when put into this definition, it may in fact not qualify because of preexisting activities that are there.

That is why the current protection is so important because those activities will continue on. They continue on with a lesser level of protection, and then that is used as evidence to suggest why that area cannot be designated as wilderness because it is already fully trammeled by man. It is fully under restraints because of the activities of man. The gentleman from New Jersey (Mr. HOLT) is going to address one of those issues.

We now see we have wilderness study areas under the bill that has preserved routes for ORV vehicles that run right through the middle of the wilderness study areas. So rather than even try to repair those areas, that is what happens, it becomes a process of boot strapping. This become a process of boot strapping in the West where a trail becomes a road, and a road becomes an impediment to wilderness.

That is why these amendments are necessary. That is why the Boehlert amendment offered as a substitute to the amendment offered by the gentleman from Colorado (Mr. UDALL) does not go far enough, and the boundary change is important so that these lands will be brought in under this protection. We will not continue this process of arbitrarily drawing these boundaries based upon roads, based upon political subdivisions.

So, in fact, what we have here, and I would hope that my colleagues would pay attention to it, is a package of amendments that really, really protect this area in a manner in which it is entitled to. Between the Udall amendment, the Inslee amendment, and the Holt amendment, we, in fact, provide the kind of protection that, unfortunately, the BLM has not provided in the past and has been called to task for that. But in one case in the bill, we find ourselves reaffirming bad decisions they made by preserving those ORV routes.

I appreciate the Secretary's involvement. I think the Secretary with all due respect made a bad deal here, made a bad deal. He made a bad deal in the Federal Reserve water rights. He made a bad deal in the protection of wilderness study areas. He made a bad deal on the ORVs.

That is why the Congress of the United States is involved in this process. We can correct some of that, and we can provide the kinds of protections.

So I would hope that people would support the Inslee amendment.

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

Mr. Chairman, I want to thank my colleagues for this opportunity to discuss the protection of the San Rafael Swell region of southern Utah.

I want to turn the subject of the discussion to wilderness. I believe that we have not done enough to protect wilderness in the country. It is, in fact, a

diminishing resource especially in the San Rafael Swell region, which contains jagged cliff faces, narrow slot canyons, hidden valleys that swell 1,500 feet above the surrounding desert, there is much more that we need to do in terms of protecting these areas.

As the sponsor of H.R. 1732, which is known as America's Red Rock Wilderness Act, I have a keen interest in today's debate on this bill, H.R. 3605, and the amendments that are being presented to it.

There are over 1 million acres of wilderness quality public lands in 20 units in the San Rafael region that have been recognized by my legislation, and this includes places that are arbitrarily outside the boundaries of H.R. 3605, places including Factory Butte, Jones Bench, Limestone Cliffs, Red Desert, Rock Canyon, and Eagle Canyon that deserve to be protected as wilderness and are not protected in this bill. In fact, they would be discarded under this bill.

There are 163 cosponsors of America's Red Rock Wilderness Act who support wilderness designation for these nationally significant areas that are public lands owned by all Americans.

While 80 percent of the lands in H.R. 3065 are slated for wilderness protection by America's Red Rock Wilderness Act, there is no mention of protecting the wilderness qualities in these lands in the bill of the gentleman from Utah (Mr. CANNON). I see that and I hope others will see it, as they should, as a fatal flaw, a fatal shortcoming. Not only does it fail to protect these wild areas, but it will directly contribute to their further abuse and degradation.

I have an amendment that I was going to offer which would designate the million plus acres of wilderness quality lands in the swell region as wilderness. These wild places deserve the protection that America's Red Rock Wilderness Act would confer upon them. But instead of offering this amendment, I am willing to make the bill wilderness neutral by not offering it.

While the proponents of the present bill say that their intent is to make this bill wilderness neutral, they know and I know that that is simply not the case. This bill that we have before us, H.R. 3605, is anti-wilderness. It is anti-wilderness because it would continue the abuse of these lands, and its arbitrary boundaries divide or exclude several proposed wilderness areas.

The chief local proponent of H.R. 3605 has said that this bill ''is a way of getting around wilderness,'' meaning pass this bill and then we never have to consider the wilderness question for the San Rafael Swell region again. If the House passes this bill, it could become a model of how to undercut both of this protection for our public lands.

So I am asking the House to reject the bill, to pass the amendment of the gentleman from Washington (Mr. INSLEE), pass the amendment of the gentleman from Colorado (Mr. UDALL). These are constructive amendments which will give us an opportunity to understand these regions better than we do. Let us keep them in study as the Udall amendment, for example, would propose.

The Udall amendment, the Inslee amendment make constructive contributions to the national debate about how to protect America's wild lands. The bill that we have before us, H.R. 3605, would, in effect, end that debate. It would end that debate by precluding the opportunity to include vast regions of the San Rafael Swell area particularly from any further consideration or inclusion in the wilderness category.

☐ 1245

It would preclude further debate that would allow us the opportunity to protect those lands which so greatly deserve protection and, in fact, now need protection and will need it even more so if they are to succumb to the assault that would be inflicted upon them if 3605 were ever to become law.

We have the opportunity here to make this a much better proposition. Let us pass the Inslee amendment; let us pass the Udall amendment and thereby make this a much more effective bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a point of clarification?

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

Mr. CANNON. Mr. Chairman, the gentleman quoted someone as saying this bill is a way to get around wilderness. Let me clarify what I think the intent of that quote was.

The issue is not to avoid or get around wilderness but to get beyond the debate which has stagnated, which is not moving forward, and which is leaving these lands subject to the degradation that I think we are all concerned about here. It is not a matter of getting around wilderness or around the gentleman's bill; it is a matter of getting around the problem of not improving the area.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, I would like to respond to the gentleman's comment, which I think is a very important one. The fact of the matter is passing the bill would preclude debate on wilderness for those regions; passing the bill would obviate the ability to protect those areas.

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

Mr. Chairman, I wanted to rise in support of the Inslee amendment, and talk specifically for a minute about the Muddy Creek area. I have had the opportunity to float Muddy Creek, which runs out of Emery County and down into Wayne County. I appeal to my friends from Utah and say that I think this would be a great reason to include the Inslee amendment because those lands would be protected.

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

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I think we have already included Muddy Creek in the first amendment.

Mr. UDALL of Colorado. Reclaiming my time, Mr. Chairman, that is excellent news; and I appreciate the chairman for working with me, as I had appealed to him in previous colloquy. We would like to get all of the watershed.

But I wanted again to make the point that we are talking about in the Inslee amendment taking into account the natural features, the geographic features, of this beautiful area; and I think that is the important point that we ought to acknowledge in the Inslee amendment.

My colleagues may remember John Wesley Powell, the first head of the geologic survey, the one-armed Civil War veteran who first ran the Grand Canyon, suggested we organize the West on a watershed basis. Had we had the vision to do that, I think we would have a much easier time of managing our precious water resources in the West.

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

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I thank the gentleman for yielding to me.

Many of my colleagues have graciously invited me and others to come see this incredible property, and we want to come. This is just a picture of one area. This is a picture of the Jones Bench, which is an area that is not protected under the existing proposal but would be evaluated and protected under the Inslee amendment.

Let me say sincerely and graciously that the reason for this amendment is to make sure that Jones Bench is there in its current position by the time I get there. And this amendment would simply say we are going to honor the gentleman's invitation, but we would like him to keep the place the way it is before we get there to evaluate the inclusion of this for wilderness status.

Let me make sure people understand this, too, because perhaps there is some confusion. The area of Jones Bench is in Sevier County, not Emery County. It is in Sevier County. And because it is in Sevier County, and because it is on the wrong side of another little road somebody put in somewhere, by man not the Creator, we in the existing proposal would not protect it. And I think the proposition we are testing in Congress today is how are we going to decide what is worthy of protection. Are we going to decide just based on county lines and where man created roads, or are we going to give respect to the Creator and decide it where the Creator put the red rock?

I stand here to say we ought to respect the Creator's handiwork and draw these boundary lines on the basis of where the Creator put these ecosystems and this red rock. If we do not do this, my colleagues, I will not be

able, because of the pressure down in this neck of the woods is tremendous in these areas, I believe we may not be able to honor the gentleman's invitation if we do not include this amendment. And I respectfully urge my colleagues to join us in adding about 14 percent to this amendment to include the Creator's handiwork.

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

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I appreciate the gentleman yielding to me, and I wanted to respond to the gentleman from Washington, if I may, about his saying that would not be protected. The gentleman realizes that is 10 miles from the boundary of the Swell. So we have a whole bunch of protection in between there.

Now, let me add one other thing. The gentleman has a little problem there because it is protected now. It is called management plan which protects that area. So that area the gentleman is worried about, when he comes to see it, which we would love to have him do, it already has a pretty heavy restriction on what is protected and what is not.

It is interesting to note that BLM, Forest Service, Park Service, even Reclamation has management plans that somewhat protect areas more than wilderness does. A classic example of that is the Grand Staircase Escalante, which is protected more under the management plan than it is under the national monument. But people think that makes them happy, and I guess that is what counts.

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

Mr. UDALL of Colorado. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding. I want to make sure I understand and all my colleagues here understand what is at stake.

Is it not true that what we are talking about is whether this protective area will include land that falls within natural boundaries that otherwise would not be included because they are on the other side of an arbitrary east-west latitudinal county line?

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

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

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. So I want to make sure my understanding is correct: it is whether we include land that happens to be on the other side of an arbitrary east-west latitudinal county line.

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

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. If I may be heard in answer to that question, Mr. Chairman, there are two artificial human lines that prevent protection of this resource and others like it. One is a county line, a human-drawn boundary; and the second is some small roads up farther north. Both of these are human-drawn boundaries.

The point we are making with our amendment is that those political decisions, that political history, should not be respected as much as the Creator's handiwork. And by the way, if there is any question about the Swell, I advise my colleagues that there are some great geological texts that clearly define this area and others as within the San Rafael Swell.

And I want to address this Muddy Creek, if I can, because I know it is a favorite of the gentleman from Colorado (Mr. UDALL). Without the Inslee amendment, we do not, repeat, we do not protect the entire watershed of Muddy Creek.

The one thing I know about arteries in our body is if we cut it off in one place it does not make it any good if we protect the other 98 percent. We do not protect a significant percentage of the Muddy Creek watershed. And if we had gone back and redrawn the history of the West, we certainly would have protected watersheds rather than north-south lines and meridians. We would have protected watersheds.

Now is the chance, today, for the U.S. Congress to start a new direction when we decide how we protect the West. Today we can decide to protect watersheds rather than historical documents that some surveyor punched a straight line through Utah on. And I think that is an advance for the U.S. Congress, and I hope that we will make it.

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

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I think the gentleman from New Jersey (Mr. HOLT) asked a question, and I would like to answer it in a different way.

The little roads up to the north is actually a 2-lane highway.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

(On request of Mr. CANNON, and by unanimous consent, Mr. UDALL of Colorado was allowed to proceed for 30 additional seconds.)

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. I thank the gentleman for yielding to me.

So as I was saying, there is a 2-lane highway that divides this area. And in addition to that, it is 10 miles and more distant from the outer edge of what people normally call the Swell.

We can use definitions all day long, but if the gentleman travels the area it is obvious. And again I invite everyone in Congress and across America to visit my district. There are many, many places worthy of protection and designation. But we are dealing with the Swell here; and this is an area that truly is geographically, esthetically, and dramatically different and separate from the area we are dealing with in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOLT:

Strike section 202(b) and insert the following:

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subjection (f).

Mr. HOLT. Mr. Chairman, I rise to offer an amendment that will significantly improve the protections provided to the San Rafael Swell under H.R. 3605, and I want to thank the gentleman from Minnesota (Mr. VENTO), who initiated this work and who would like to be here today to advocate it.

I also want to thank the gentleman from California (Mr. GEORGE MILLER) for his work as a champion of environmental protection and conservation, not just on this issue.

The San Rafael Western Legacy District and National Conservation Act utilizes a never-before-used so-called legacy district designation to protect the San Rafael Swell in eastern Utah. However, this legislation falls far short of providing the resource protections that the San Rafael region so richly deserves.

The chief environmental threat, the chief environmental threat to these lands is off-road vehicles. This abuse of ORVs in Utah has exploded over the past 10 to 15 years; and as a result, ORV abuse has become much more common, with ORV'ers pushing new

trails into remote areas each year. In fact, this past March, the Bureau of Land Management was forced to make an emergency ORV closure of part of the Swell's wilderness study areas. The BLM found extensive damage to soil, to vegetation, and other resources caused by ORV abuse.

With this kind of damage occurring in the most pristine areas of the region, my colleagues can be sure that other spectacular lands in the San Rafael Swell are at risk. Nevertheless, H.R. 3605 does nothing to deal effectively with these problems. Since 1991, the BLM has attempted to come up with a plan to regulate ORV use but has failed to do so. This failure has led to severe damage in the Swell.

H.R. 3605 would essentially codify BLM regulations that have failed to protect the San Rafael region. The legislation stipulates a 4-year planning process with no guarantees that future ORV use will be controlled. In the short term, during the 4 years of further study, the Swell will continue to be at extreme risk.

I am offering a simple amendment to manage ORV use and protect the vast geological and scenic wonders within the San Rafael Swell. My amendment does two things: one, it does not permit motorized vehicles in any wilderness study area or other roadless areas within the conservation area; and, two, it restricts motorized vehicles on other areas within the conservation area to roads and trails designated for such use.

Now, I would like to make a distinction here. What I am trying to do is to prevent ORV abuse not ORV use. I am not trying to stop citizens and recreation enthusiasts from enjoying responsibly this spectacular region from their vehicle. More importantly, with my amendment, there would still be 1,000 miles of road marked and recognized for use that would still be open.

Let met put this into perspective. A few years ago, the Grand Staircase Escalante, to which the gentleman referred a moment ago, was designated a national monument in southern Utah. This area consists of almost 2 million acres and has about 900 miles of road available for use.

□ 1300

The San Rafael Conservation Area is half the size and has a thousand miles of roads for open use. It is clear that there will still be enough roads for those who wish to visit and to use the region.

In closing, I would just like to say that if ORV use is not managed to protect conservation area values, then the designation of a national conservation area is meaningless. If we do not put in these protections, the designation would be meaningless.

So please help protect the San Rafael Swell with the protection that it needs. I ask support for my amendment.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

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

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. HOLT:

In section 202(c)(1)—

(1) after ''shall be'' insert ''limited to roads and trails that are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f), except that motorized vehicle use shall be''; and

(2) strike subparagraphs (A), (B), and (C) and insert the following:

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) prohibited in areas where roads and trails were closed to motorized vehicles by the Bureau of Land Management as of June 6, 2000, pursuant to Federal Register Document 00–6796 published on March 21, 2000; and

(C) prohibited in any area in which the Secretary determines at any time that motorized vehicle use is causing or will cause adverse effects pursuant to section 8340 of title 43, Code of Federal Regulations, in effect on June 6, 2000.

The CHAIRMAN. The Chair advises that on the original amendment offered by the gentleman from New Jersey (Mr. HOLT), the Clerk designated the amendment numbered 2 in the RECORD and the gentleman offered a different amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment offered by Mr. HOLT:

In section 202, strike subsections (b) and (c) and insert the following (and make appropriate conforming changes):

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (f).

The CHAIRMAN. The Committee now has pending the amendment offered by the gentleman from New Jersey (Mr. HOLT) and the substitute offered by the gentleman from New York (Mr. BOEHLERT).

The gentleman from New York (Mr. BOEHLERT) may proceed under the 5-minute rule.

Mr. BOEHLERT. Mr. Chairman, my amendment, once again, tries to seek the sensible middle ground. It protects the area. It does not foreclose options for the future. It also does not jeopardize a very fragile, carefully crafted agreement, which has been endorsed by the Secretary of the Interior.

As we address the subject of off-highway vehicles, the amendment would make clear that the management plan cannot supersede existing prohibitions or Secretarial authority concerning motorized vehicle use. The amendment explicitly codifies the road closures and wilderness study areas that the Bureau of Land Management announced in March. And the amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

Let me repeat that because it is worth emphasis. The amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

These provisions will strengthen the BLM's ability to block off-highway vehicle use in the conservation area.

The amendment does not automatically close all roads to OHV use, as the Holt amendment would. The management plan required by the bill could close all the roads, but doing so today would undermine the agreement that brought forward this bill. That agreement is necessary to ensure that off-highway vehicle restrictions are truly enforced.

So I urge support for my amendment that would strengthen OHV limitations but would not put in place restrictions that cannot yet be enforced.

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

Mr. BOEHLERT. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, just for clarification, does the amendment of the gentleman allow off-road vehicle use in wilderness study areas?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, only where the BLM has allowed that.

Mr. HOLT. Mr. Chairman, if the gentleman will continue to yield, this would be codifying the March decision?

Mr. BOEHLERT. Mr. Chairman, yes.

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

Mr. Chairman, I have here a map of the area of the wilderness study area and it shows the areas that were permitted for off-road vehicle use in March. They go right smack through the middle of the wilderness study area. There are four routes. They essentially bisect and hit some of the most scenic and, I believe, fragile parts of that area. Let me just point out that that is right smack in the middle of this wilderness study area.

I have photographs here of the damage that is being done by these off-road vehicles in the wilderness study area. I mean, these photographs are in the wilderness study area. And it is exactly that that my amendment is intended to protect.

If wilderness study area is going to mean anything, we have to protect it from the most damaging environmental effect; and, at least today, that is the most damaging force on the wilderness study areas.

So to say this only codifies what has already been approved underscores exactly what I am talking about. If we do

not pass my amendment, if we do not defeat the Boehlert amendment, we will, in fact, suffer the kind of damage that my colleague, the gentleman from Washington (Mr. INSLEE), was referring to earlier that will leave the place much diminished by the time those millions of Americans accept the invitation of my colleague to come from all over the United States and visit.

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

Mr. HOLT. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, is the gentleman from New Jersey (Mr. HOLT) aware that the roads that remain as well as, arguably, all of the other roads that have been closed preceded in existence the wilderness study designation and, in fact, have histories that go far enough back that they are probably not under the jurisdiction and control of this body to close?

Mr. HOLT. Mr. Chairman, reclaiming my time, I believe it is within the jurisdiction of this body to close. And I understand that they preceded this. But that is the point. We are trying to protect this region. And it does not mean that past abuses will be codified and accepted. It means that we want to preserve this area for the appreciation of today's and future generations of Americans.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, I recognize the concern of the gentleman in preserving the areas. But if the county and the State have rights to those roads, the gentleman would not suggest that we pass legislation that simply overrides those rights without compensation without going through the constitutional process as required of us?

Mr. HOLT. Mr. Chairman, reclaiming my time, I do not believe that there is anything in the March directive that cannot be overridden by our legislation here today.

Mr. CANNON. Mr. Chairman, just as a matter of fact, let me point out that the March directive made a huge leap forward in progress in controlling the damage done by OHVs, but it was done with the county. In other words, the county that has the rights to these roads, the county that can assert those right-of-ways, has said, we will work with the BLM in the context of this bill to solve the problem that we agree is currently existing.

We cannot as a body here, or together as a Federal Government, override what those interests in those roads are.

What the amendment of the gentleman from New Jersey (Mr. HOLT) would do is actually turn back the clock on the very degradation he is attempting to stop.

Mr. HOLT. Mr. Chairman, reclaiming my time, the BLM has tried to solve this for years; and it is partly out of frustration of their inability to do so that I am offering this amendment today.

I would say that the point is not to codify past abuses but to put in place the protections that Americans want for this valuable resource.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, many people have been frustrated by the abuse that has happened in these wilderness study areas, including the BLM. I agree with the gentleman. The reason the BLM has been frustrated and not done anything is because unilaterally they did not have the ability to do anything.

What this bill does is create a context where the rights of Emery County is understood and put in context and thoughtful decisions and conclusions can be made, like the decision that was made in March.

We cannot do it unilaterally any other way, and that is why the frustration has been because of the legal problems the constitutional protections that the counties had, not because of any desire not to have these things solved. That is why this bill is so important and why I would urge that this amendment be defeated.

Mr. HOLT. Mr. Chairman, I would say the reason why this is so important that we defeat the Boehlert amendment is that there is 4 years during which great destruction could take place.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HOLT) has expired.

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

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

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

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to point out that of the many, many routes included, only four, as the gentleman correctly observed, are covered here. But we specifically and explicitly codify the regulatory authority of the Secretary to block motorized use that would degrade or is degrading environmental resources.

Moreover, in the Federal Register, I would point out this phrase: ''These routes will remain open on a conditional basis. Motorized use of these routes will be allowed to continue contingent upon the success of a rehabilitation and monitoring plan designed to restore areas to nonimpairment conditions and prevent further travel off of these predescribed routes.''

Mr. HOLT. Mr. Chairman, reclaiming my time, so this conditional basis means it would allow the BLM to protect this as well as they have protected it for the past 10 years?

Mr. BOEHLERT. Mr. Chairman, if the gentleman will continue to yield, it says to the BLM to study it and if there is any indication it is degrading to the environment, they should proceed to close it.

Mr. HOLT. Mr. Chairman, we have to do more, I would say.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BOEHLERT) and against the amendment offered by the gentleman from New Jersey (Mr. HOLT).

Mr. Chairman, this really is not necessary what he is bringing up here. Because if he would go back and check this out, he would find that we all agree on OHV making a mess on public ground, that that should not be done. And we can see it in the San Rafael Swell, so much so that the Secretary, back in March, determined certain regulations that he would take over. And this bill we are talking about gives him those regulations.

I guess the question in front of us today, Mr. Chairman, is this: Do we want to micromanage from Washington, D.C., or do we trust the Secretary and the BLM professionals to do it themselves? That seems to be the question.

If I may have the attention of the gentleman from New Jersey (Mr. HOLT), the gentleman correctly pointed out those four different areas there; and here is the information that came out on March 21, 2000, from the BLM, Department of Interior, addressing the same issue. Here is what they said: ''The BLM feels that motorized travel on these ways, most of which combine to form a popular loop trail, can continue in a manner that is compatible with resource protection as long as travel is restricted to the identified routes. Continued use, however, is contingent upon the curtailment of motorized travel off these ways and the completion of rehabilitation efforts to restore the areas. Over the next few weeks, the BLM price office will develop a set of standards and a monitoring protocol laying out what needs to happen to keep these vehicle ways open.''

Now, I honestly think that I would much rather trust those folks on the ground who are doing it every day, who are in that area that the folks can talk to, the counties can talk to, the locals can talk to, they can trust it. So the amendment of the gentleman from New York (Mr. BOEHLERT) fits perfectly with what was said there.

So we find ourselves in a situation where the Secretary has moved in and made substantial restrictions in the Swell on where they can and cannot travel.

Now, I would worry a little bit because I think the amendment of the gentleman goes way too far because there are a lot of areas in there, and I appreciate his saying that, where people should have the opportunity to have travel. I mean, there are certain areas in there that are pretty well traveled that have good roads in them and people have to have that access in those areas.

□ 1315

I would respectfully point out that this amendment is not needed, because

we already have protection going in there. We already have the Secretary fully advised of it. We already have BLM working on it. I cannot see a reason to restrict what little bit of traffic there is left and some of the recreation that some people get by the gentleman's amendment.

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

Mr. HANSEN. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, evidently my friend and the BLM think that this constitutes protection. That is the point. The BLM may say that it is compatible with use. It sounds like they are prejudging the results of their study. The fact of the matter is we should curtail this use now before further damage is done.

This is in the wilderness study area. This is in the wilderness study area. If my colleague could see these, he would have to admit this is damaging. The BLM has pointed out that the number one damage to this area in vegetation, in topography is from off-road vehicles.

Mr. HANSEN. I would concur with the gentleman from New Jersey that there are places in the Swell that people have violated and hurt it. There is no question about it. I am not sure they are in the Sid's Mountain area. I am a little familiar with that. It could be. I do not know. Some group could take those pictures. One can find those all through the West and the East where people violate. But on the other side of the coin we have professionals that are out there taking pictures, trying to find those areas, trying to work them. I would be happy to take the gentleman from New Jersey to some of those areas that at one time looked horrible look pretty good right now. Mother Nature is pretty good at restoring as long as somebody is standing there to help her. She is doing a good job. Frankly, I can see no reason for the gentleman's amendment. I know his heart is in the right place, but I think it would be more detrimental than it would be help to the area that we are working on. I think the gentleman from New York has come to that good middle ground that will solve this issue on OHVs.

Mr. HOLT. If the gentleman will yield further, the amendment of the gentleman from New York does not address what my colleague was speaking about a moment ago, the allowed areas of use. We all agree that there are appropriate areas for use. But the wilderness study area is not. I would welcome the opportunity to come and tour the area with all of my colleagues. But when I get there, this is not what I want to see. I do not want to see this destroyed wilderness.

Mr. HANSEN. The gentleman probably will not see that.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Utah (Mr. HANSEN) has expired.

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

Mr. HANSEN. Mr. Chairman, let me just say, the Secretary is given the right to monitor these things. That is what we are doing here. I think he can probably do a better job than I can sitting back here in Washington, D.C., or anybody else. He has got people on the ground that are doing those things. He has agreed to do it. They have taken an extremely active part in this. The Secretary of the Interior buys into this legislation. He thinks it is a good idea; he feels we are finally resolving a very contentious issue. That OHV thing has been a thorn in our flesh for years. I agree with the gentleman. How do we handle these things? Little by little we are getting a good control on it, and I think in this bill we are getting the control.

Now, we can do this, we can just say, Let's just throw this whole thing wide open, let's not pass this bill, let's have unrestricted mining, let's have unrestricted OHVs, let's just desecrate the area. That is basically what we are going to get if we do not pass this bill. We have had some interesting discussion here today, but let us get together, get this thing passed, and give this area some good protection. That is what we are really trying to do.

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

Does the gentleman from New Jersey (Mr. HOLT) know where those pictures come from? We are dealing with various kinds of areas in this bill. Part of it is already wilderness study areas. I know that those come from the wilderness study area. But does he happen to know if they come from the remaining roads that are open or if they come from those areas that are now closed?

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

Mr. CANNON. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, one of them comes from the San Rafael Reef inside the wildnerness study area. The other comes from Red Wash inside Mexican Mountain. The point is, both of these are within the wildnerness study area, and that is what we are trying to protect.

Mr. CANNON. Reclaiming my time, if I could just ask the question. The Secretary took action to close a large number of roads in this area, leaving four open. The question I am asking is, is this degradation? Are the pictures that we are dealing with from that massive area that has now been closed off, or is the gentleman suggesting that the remaining four roads are represented by the degradation in those pictures?

Mr. HOLT. It is my understanding that these are areas that are not closed under the Secretary's action.

Mr. CANNON. Let me point out that I think that those areas that the gentleman referred to in the pictures are now unavailable for access. Here is the problem, if I can just take a moment to help people understand this issue. It is a little complex but not very much so. We have an area that was crisscrossed with roads and has been for a long time. There is some controversy about whether or not the counties have ownership of those roads.

In my mind there is no controversy. It is a matter of heavy-handed unilateral extreme groups trying to take advantage of vagueness in the law or a vagueness in the interpretation of the law in this current Department of the Interior to advance the idea that the rights to those roads do not exist. That debate has been terribly destructive to what is happening actually on the ground in the State of Utah. It has been very difficult. Now, because we have actually had this bill in the process of negotiation, the county has given an approval to the BLM to close roads that they have now closed that I think represent where that destruction has happened.

Here is the problem. We have got an area the size of the State of Connecticut, and we have one BLM enforcement officer to control that whole area. They cannot do it. They cannot control all that degradation with that many roads because when somebody gets outside some of these roads that are historic roads and gets off the trail, they have to be there to find out who did it and then they have to ticket them. The problem with that is not only finding the people but the excuse that they may be not actually off a road. So what BLM has done now has limited the actual area where an off-highway vehicle can go so that they can keep much better track of what is happening. The degradation the gentleman is talking about is in fact eliminated already just in anticipation of this bill. It has been done.

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

Mr. CANNON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, let me say in response to what the gentleman from New Jersey was talking about, here is the emergency order here. It says, if I may read that: ''Under the emergency order, all public lands, including vehicle ways are closed to OHVs in the Muddy Creek, Devil's Canyon, Crack Canyon, San Rafael Reef, Horseshoe Canyon and Mexican Mountain WSAs.'' The issue is resolved.

Mr. CANNON. Reclaiming my time and finishing up here, it occurs to me that there is some confusion on your side. I would assume that it is not a matter of distortion or petty fighting here; but the degradation that the gentleman is concerned about has been dealt with in the most dramatic fashion. It has already been done. Under the Boehlert amendment, the Secretary of the Department of the Interior continues to have the authority to monitor what is happening on those remaining roads and see if there is going to be degradation. But the degradation he is concerned about, what he is saying essentially is we want not only no

abuse but no use of these dramatic areas that have had roads for a very, very long period of time.

Mr. HOLT. If the gentleman will yield further, these are roadless wildnerness study areas. This has not been dealt with in the most dramatic fashion. The most dramatic fashion would put an end to this.

Mr. CANNON. Reclaiming my time, when he says these are roadless wilderness areas, what does he mean? Is he talking about where the pictures are?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman is referring to his amendment. This is not about precluding that as the gentleman characterized. The gentleman's amendment goes to wildnerness study areas and to roadless areas. There is obviously a reason for that. One, you should not be punching into these roadless areas; and, two, the other one is that the reason it is a wildnerness study area is because it is under study as to whether or not Congress in the future will so designate it. If you are running around it on ORVs, it is never going to be designated.

Mr. CANNON. Reclaiming my time, the problem we have here is that we have wildnerness study areas around roaded areas.

Mr. GEORGE MILLER of California. That is right.

Mr. CANNON. The access by those roaded areas, these thousands of miles of roaded areas means that people can get off those roads and into areas where they cause degradation. That is what his pictures are of. What the BLM has already done is closed the vast majority of those roads so that the remaining roads, the major roads in the area can now be policed.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words. The point being, the gentleman from Utah is quite correct. This is the problem. This is why we worry. When we reject all these amendments and accept the bill or accept the bill with the Boehlert amendments, we are allowing additional wilderness areas to continue to suffer degradation by what goes on around them. As the gentleman points out, people go off, because this is not a place where it is clearly signed or it is fenced or it is any of these other things. People will go off sometimes because they innocently leave an area and sometimes because they are just simply irresponsible. But the fact of the matter is we know how this goes. I ride ORVs. My sons have done it. We race motorcycles. A trail becomes a road pretty soon. There is a new area and away people go.

The fact of the matter is if we are going to prevent that, we have got to have a policy. At least then people can see you designate it on the lands, on the maps that they are wildnerness study areas, you cannot go in there. Because while the Secretary precluded and closed some roads in the wildnerness study areas, what he did not do was close the wildnerness study areas to future activity. That is not what these regulations do. The Boehlert amendment with all due respect is the current law. It is the current law that has got us into this situation.

This Secretary, this BLM is the reason we are here today because for 10 years they have not figured out how to do this. Now they are saying trust us. We are saying, fine, we will trust you; but we are not going to trust you in terms of continuing to degrade the wildnerness study areas. What the gentleman from New Jersey's amendment does is take those wildnerness study areas and say you can ride ORVs everywhere else that the Secretary will agree to and the BLM in the other adjoining areas that are not protected; but stay out of here until Congress makes the determination. The same is true with roadless areas.

I think that that is a fair compromise. It is a fair compromise because it allows for the protection of these areas and allows for responsible continued ORV activities. That is why we should accept this amendment. With all due respect, the Boehlert amendment is the bill. The bill is the law, the current law. So we have not progressed at all except to leave it in the hands of the BLM, leave it in the hands of the Secretary; and with all due respect, it is that 10 years that has given us these photographs that have taken place.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, the gentleman understands that part of the reason that the BLM has not been able to avoid this kind of degradation is because there is some very clear claim. Granted it is obfuscated by the county as to the ownership of those roads and that whether or not you agree to every road, many of those roads are RS–2477 roads and the county has the right to them.

The gentleman would agree further, would he not, that in fact many of these roads have been shut down appropriately in conjunction with the county. The key factor here being that the county has worked with the BLM to solve the problem. Does the gentleman understand my question? In other words, the BLM has not been able to avoid this because of the rights of the county and the argument over that.

Mr. GEORGE MILLER of California. These are not designated wilderness. These are study areas. They can be withdrawn from study areas. That is how we resolve the conflict. But right now we leave those areas open and that is unacceptable.

Mr. CANNON. But we are not talking about new roads here, as the gentleman has alluded to several times. These are roads, many of these roads, especially the ones that have been closed, are roads that have been there for a very long time.

Mr. GEORGE MILLER of California. In all cases we are not talking about roads. We are talking about ORV activity that does not in all due respect rise to the occasion of a road, but it rises to the occasion of degrading the area. This is not a fight over the county roads and who owns these roads. This is about a lot of activity that takes place like in the term off-road vehicle.

Mr. CANNON. We are not talking about asphalted roads here. We are talking about county right of ways.

Mr. GEORGE MILLER of California. I understand what the gentleman is talking about, but there is a clear distinction. We can go back to the photographs. The gentleman has seen it. I have been out in the area. I have witnessed it. This does not rise to the occasion of a trail or road. This rises to the occasion of random activities and riding through areas that are repeated time and again. That is the kind of protection that we are trying to provide in this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

AMENDMENT OFFERED BY MR. COOK

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

The Clerk read as follows:

Amendment offered by Mr. COOK:

In section 101(E)(2), before the period insert ‘‘, but shall not be used for commercial advertising and/or commercial bill boards’’.

Mr. COOK. Mr. Chairman, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act as currently written could inappropriately spend Federal funds. The bill would appropriate Federal funding for various activities and administration for a total of $1 million a year, not to exceed $10 million total over the life of the project.

☐ 1330

My fellow colleagues, I am concerned that the broad and loosely defined language in section 101 would allow for money to be used to purchase commercial billboards and other commercial advertising. Federal taxpayer money should not be used to subsidize commercial advertising, commercial billboards that will benefit only a small area.

I realize that by voice vote and on suspension this Congress has supported similar measures in the past; but appropriators will tell you that despite our prosperous economy, we are still faced with tight budgets and tight budget caps and we need to be very diligent as we appropriate these Federal funds and make sure they are managed properly. Therefore, I am offering an amendment that would prohibit any funds being used to promote commercial advertising or commercial billboards.

Mr. Chairman, Americans deserve better management of Federal funds used on the Nation's public lands, and H.R. 3605 can be made, I think, a sound conservation measure without any unnecessary Federal funding of these kinds of commercial promotions. To do otherwise, I think, would be poor economics and a bad usage of taxpayer money. I urge my colleagues to support my amendment.

Mr. HANSEN. Mr. Chairman, this side has reviewed the amendment of the gentleman from Utah (Mr. COOK) and has no problem with it. This side would accept the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, we have problems, but they do not rise to this occasion, so we support the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Utah (Mr. COOK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

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

SEC. _. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT. Mr. Chairman, it is a buy-American amendment. It is the sense of the Congress that any money expended be used where possible to buy American-made goods, there be a notice made to the people who get this money, and after it's all over and they do the buying, they tell us what they bought. Finally, one last provision I am adding that is new, if they violate the law, they will get a rare bird disease that is ''untweetable.''

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

Mr. TRAFICANT. I yield to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, we accept the amendment of the gentleman from Ohio (Mr. TRAFICANT). We feel it is a good amendment. We accept it.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California, the ranking member.

Mr. GEORGE MILLER of California. Mr. Chairman, we accept the amendment, tweetable or not.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); the underlying amendment offered by the gentleman from Colorado (Mr. UDALL); amendment offered by the gentleman from Washington (Mr. INSLEE); substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); and the underlying amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

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 212, noes 211, not voting 12, as follows:

[Roll No. 238]

AYES—212

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

NOES—211

Abercrombie	Cardin	Eshoo
Ackerman	Carson	Etheridge
Allen	Clay	Evans
Andrews	Clayton	Farr
Baca	Clement	Fattah
Baird	Clyburn	Filner
Baldacci	Condit	Forbes
Baldwin	Conyers	Ford
Barcia	Costello	Frank (MA)
Barrett (WI)	Coyne	Frost
Becerra	Cramer	Gejdenson
Bentsen	Crowley	Gephardt
Berkley	Cummings	Gonzalez
Berman	Danner	Gordon
Berry	Davis (FL)	Green (TX)
Bishop	Davis (IL)	Gutierrez
Blagojevich	DeFazio	Hall (OH)
Blumenauer	DeGette	Hall (TX)
Bonior	Delahunt	Hastings (FL)
Borski	DeLauro	Hill (IN)
Boswell	Deutsch	Hilliard
Boucher	Dicks	Hinchey
Boyd	Dingell	Hinojosa
Brady (PA)	Dixon	Hoeffel
Brown (FL)	Doggett	Holden
Brown (OH)	Dooley	Holt
Campbell	Doyle	Hooley
Capps	Edwards	Hoyer
Capuano	Engel	Inslee

Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Skelton
Smith (MI)
Sweeney
Vento

☐ 1404

Mrs. CAPPS, Mrs. JONES of Ohio, Ms. VELAZQUEZ, Ms. HOOLEY of Oregon, and Messrs. SAXTON, CONYERS, STENHOLM, HALL of Texas, and TANNER changed their vote from ''aye'' to ''no.''

Messrs. BAKER, HERGER, HEFLEY, HUTCHINSON, SANFORD, SHAYS, GILMAN, and LoBIONDO changed their vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 516, 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 OFFERED BY MR. UDALL OF COLORADO, AS AMENDED

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

The amendment, as amended, was agreed to

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 12, as follows:

[Roll No. 239]

AYES—228

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

NOES—194

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—12

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Skelton
Smith (MI)
Sweeney
Vento

☐ 1414

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 214, not voting 11, as follows:

[Roll No. 240]

AYES—210

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

NOES—214

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

NOT VOTING—11

English	Markey	Smith (MI)
Franks (NJ)	Nethercutt	Sweeney
Greenwood	Roukema	Vento
Houghton	Salmon	

□ 1431

Messrs. TAYLOR of Mississippi, LUCAS of Kentucky and HALL of Texas changed their vote from ''aye'' to ''no.''

Messrs. THOMAS, RADANOVICH, and GILMAN and Mrs. KELLY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HANSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. SHIMKUS, 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. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

Mr. Speaker, yesterday, the Committee on Rules met and granted an open rule for H.R. 4576, the fiscal year

2001 Department of Defense Appropriations Act.

The rule waives all points of order against consideration of the bill. It provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill.

The rule allows the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

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

Mr. Speaker, H. Res. 514 is an open rule for a strong bipartisan bill. In fact, the Committee on Appropriations approved this bill 2 weeks ago by voice vote and without an amendment.

I have always admired the patriotism and dedication of our military personnel, especially given the poor quality of military life for our enlisted men and women; but today we are doing something to improve military pay, housing, and benefits.

We are helping to take some of our enlisted men off of food stamps by giving them a 3.7 percent pay raise, and we are offering $163 million in enlistment and reenlistment bonuses. They are called bonuses, but they earn them.

To follow through on our health care promises to our service men and women, we are providing a 1-year 9 percent increase in health care resources. A good portion of these funds will go to improve care for our military retirees who have never been given the treatment that they deserve.

At the same time, we are boosting the basic allowance for housing so that our military families do not have to pay as much out of their own pockets.

Along with personnel, we have to take care of our military readiness. We live in a dangerous world, and Congress is working to protect our friends and families back home from our enemies abroad. We are providing for a national missile defense system so that we can stop a warhead from places like China or North Korea or Iraq if that day ever comes.

We are boosting the military's budget for weapons and ammunition. We are providing $40 billion for research and development so our forces will have top-of-the-line equipment for their job.

I urge my colleagues to support the rule and to support the underlying bill, because now more than ever we must improve our national security.

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

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

Mr. Speaker, I rise in support of this rule and in strong support of the Department of Defense appropriations for fiscal year 2001. This bill provides $288.5 billion in budget authority for the programs of the Department of Defense, the very programs that ensure the security of this Nation and which, in large part, enable our country to keep the peace and remain the leader of the free world.

Mr. Speaker, this bill reflects the understanding of both Democrats and Republicans for the need to ensure that our national defense is second to none.

□ 1445

This bill also reflects the understanding that in order for our military to maintain its global superiority, it is necessary to make substantial financial commitments in order to restructure our Cold War forces to meet the challenges of the 21st century. This bill addresses serious readiness deficiencies and equipment modernization shortfalls that have seriously strained the ability of our military forces to meet the demands of the many missions they undertake.

I am pleased to support this revitalization of our armed forces. Among the important provisions of this bill, Mr. Speaker, is a 3.7 percent military pay raise and $12.1 billion for the Defense Health Program, which provides monies not only for active duty personnel and their families, but also to an unfortunately limited extent military retirees and their dependents. This bill does make positive strides in expanding prescription drug coverage for Medicare eligible military retirees but falls short in providing for a permanent health care system for military retirees.

While I appreciate the fact that the bill contains a provision requiring the submission of a plan to Congress by an independent oversight panel no later than December 31, 2002, I would encourage the subcommittee to at least consider including the language of the Taylor amendment in a conference agreement since this amendment was agreed to by an overwhelming vote of 406 to 10 during the DOD authorization debate. We have made a promise to our military retirees, and it is time for us to keep it.

Mr. Speaker, this bill also continues the commitment to a wide range of weapons programs that will ensure our continued military superiority in the skies, on land, as well as at sea. I am particularly pleased this bill includes $2.15 billion for the procurement of 10 F–22 Raptors, the next generation Air Force fighter that will assure our continued dominance in any air campaign against any foe in the future with air-to-air and air-to-ground capabilities. The bill also provides $396 million in advance procurement and sets aside an additional $1.411 billion for research, development, test and evaluation of the F–22.

The bill also includes $1.1 billion for the procurement of 16 V–22 Osprey tiltrotor aircraft for the Marine Corps, $336 million for 4 Air Force V–22s, and an additional $148 million for research and development on this important addition to our military arsenal. In addition, the bill provides $249 million for various F–16 modifications.

Mr. Speaker, during the recent recess in April, I had the opportunity to travel to Bosnia and Kosovo to see firsthand the dedication of the men and women of our military who are serving there. I had the privilege of visiting some of the National Guardsmen from the State of Texas who are serving in Bosnia to see how they are faring under very difficult circumstances. I can say, Mr. Speaker, that these troops are doing a remarkable job and are fully aware of the importance and necessity of their mission.

However, as I mentioned in the Committee on Rules yesterday, this bill does nothing to fund the missions that we have undertaken in Bosnia and Kosovo. Mr. Speaker, it is vital that funds to reimburse the Department of Defense for expenditures already made to meet our obligations in that region be included. It is simply not responsible to delay this funding, forcing the Defense Department to face shortfalls in critical operations and maintenance accounts during the last quarter of fiscal year 2000.

I was certainly gratified when the chairman and ranking member of the committee assured me yesterday during the hearing before the Committee on Rules that this funding would most likely be included in the conference agreement on the military construction appropriations measure no later than August 1, and I know of their commitment to making the Department whole. However, Mr. Speaker, I think it is important that we all understand that American men and women are serving an important mission in Bosnia and Kosovo and this Congress has the responsibility to provide the money to make this mission a success without shortchanging other programs within DOD.

I spoke with a representative of the Army this morning who told me that the Army faces a very bleak picture in the fourth quarter of this fiscal year if this money is not provided forthwith. It is unfortunate that this legislation is on the floor without addressing the money for Kosovo and Bosnia. Because if this money is not provided as an add-on to the military construction appropriation later this summer, the Defense Department and the Army, specifically, will be forced to curtail, drastically curtail, training and other activities that are critical to the success of their mission.

Mr. Speaker, this is a good bill; and I urge Members to support it.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would share with my colleagues that I believe we have a very fair rule and also a very strong bipartisan bill that is coming to the House floor that will serve the national security needs of those men and women who serve in our armed forces.

I want to compliment the Committee on Appropriations. I think the chairman and the ranking member did a very good job in working with the authorizing committee. I have not seen this type of cooperation in the 8 years I have served here in Congress. Sometimes we get conflict between the authorizing and the appropriating committees, but in this case I extend great compliments on their work.

Let me first speak about the quality of life. Despite 5 years of sustained efforts to improve the quality of living for U.S. military personnel and their families, service members continue to voice their displeasure with the military life by leaving the force, which is very bothersome to many of us. As a result, each of the services has experienced significant recruiting and retention problems, threatening the strength and readiness of the all-volunteer force.

The authorizing and the appropriation committees recognize the great personal sacrifices made by U.S. service members and have focused quality-of-life improvements in two areas: one, reforming the Defense Health Program and, number two, sustaining the viability of the all-volunteer force.

While efforts in these areas in recent years have been substantial, there are no silver bullets to end the quality-of-life challenges facing the U.S. military. It will require a commitment to a long-term battle against these challenges if America is to sustain the world's foremost military force. It is with this commitment that the committees recommended a quality-of-life package that will improve the military health care system, provide for fair compensation, support the morale, welfare and recreational programs, and improve the facilities for which the military personnel live and work. We also are working on sustaining the proper weapon systems that they need.

Let me speak for a moment about the military health delivery system. Again, I extend compliments to the appropriators, because what we are trying to do here is put our arms around all of these different programs that are out there, and specifically with regard to the military retiree. Now, all of us here in this body have heard from our constituents about the TRICARE System. As we seek to implement TRICARE, we have had hiccups and little burps here and there with that system, and it has been difficult. We have sought to make improvements. And I appreciate the support of the appropriators. We are going to work to create savings in the claims processing area, which will save $500 million and then will be poured back into the system.

Now, what about the military retiree? The military retiree is disgruntled, and rightfully so. The question is whether or not we as the Federal Government are fulfilling our obligation to the military retiree, given the sacrifices that they have given on behalf of the Nation. With the expectation that they would receive health care benefits for life, have we been fulfilling that requirement? The answer is no.

When the military retiree retired and lived next to that military base during the 1970s, 1980s and into the early 1990s, there was a comfort zone. Even though they were turning 65, they gained access to the medical treatment facilities despite in law that they would be triggered into the Medicare program. When we went through the base closure process, they were triggered directly into Medicare, and they did not gain access to the medical treatment facilities. So they came to Congress.

Congress is fishing for the right answer. We create different types of pilot programs, and we struggle with them and try to figure out what is the best way to provide relief in the system. I believe we have come close to finding the right answer, and that is we have put our arms around these pilot programs and we extend them to 2003. We sunset the programs. We have created the commission to examine it; and in the meantime, what we can deliver is the pharmacy benefit. I appreciate the appropriators for funding the pharmacy benefit to the military retiree. It is a generous benefit.

What was bothersome to the military retiree was that they felt that because of their sacrifice and the protections of the freedoms and liberties that we enjoy in our Nation, that perhaps they should be treated a little differently. So it bothered them that they were then taken and thrown right into the Medicare system back in 1965, which many of them did not even realize until the early 1990s. So now, as Congress is presently about to deliver a pharmacy benefit that is different from the Medicare population, it is a richer benefit, the last thing we should do is now say, oh, every grandma and grandpa who never served in the military should now be treated just as if they had served in the military.

What a curious thing. I think some people in this body look out the window and think, well, everybody should drive the same kind of car and should be treated the same way. False. I just wanted to bring this up because it was not long ago, about 10 days ago, that the President endorsed that. Well, of course he endorses it, because he thinks everybody should be treated alike in this country. That is false. There are different people who have done different things.

So I want to compliment the appropriators who have said, yes, we are going to follow the lead from the authorizing committee; and we are going to fund the pharmacy benefit for the military retirees, which they rightfully deserve.

I also want to share that we are providing a 3.7 percent military pay raise that has been funded; also $163 million for the reenlistment bonuses. Those are extremely important. We provide $64 million for the basic housing allowance. I think many of us wish that the numbers could be higher in that regard, but the more monies we can move directly into the pockets of our soldiers, sailors, airmen, and Marines is extremely important. The more money we get in the pocket, and especially tax free, the more we can actually help them.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, let me plead guilty to one of the accusations that was leveled by the previous speaker. I do believe that older people who are sick should have their prescription drugs covered. The fact that there are 70- and 80-year-old women who did not serve in the armed forces and who cannot afford their prescription medicine does not seem to me a good reason to deny them a prescription drug benefit under Medicare. So I will plead guilty to that accusation.

Indeed, that is one of the reasons why I am opposed to this bill. Much of what it does is very important, the pay increase and the improvement in the living conditions for the people; but it maintains an effort to fund inadequately an extremely flawed strategy. Obviously, we should provide the funds necessary to carry out what we say we are going to do militarily. The problem is we say we are going to do too much. We continue to err by keeping large numbers of troops in Western Europe when our Western European allies are well enough financed to be able to do this on their own. We continue to hold to an obsolete two-war theory. We continue to fund weapons whose idea began in the Cold War.

□ 1500

So, yes, I want an adequately funded military. I want one with a margin of safety. I want the United States to be as it has been and will continue to be by far the strongest Nation in the world. But we make a mistake when we overreach and then use the overreach as an excuse to overspend. And there we have also, of course, the tendency of people, particularly in the Senate, to add weapons whose primary justification is not the enemy they will confront but the constituents they will comfort.

We have nuclear attack submarines that we are going to fund, and I have not yet been able to have anyone explain to me who the enemy is. They are wonderful weapons. But the fact that they are so technologically skilled is not enough of a justification to have them. It is unlikely that they are going

to encounter Iranian, Libyan, or North Korean submarines that they have to encounter.

This bill will spend more than half of the money available to the Federal Government in discretionary accounts. And prescription drugs are relevant. Because the people who support this bill are telling us, on the other hand, some of them, that we cannot afford prescription drugs, that we cannot afford to send money to build schools, that we cannot afford more police on the streets, that we cannot afford more effective cleanup.

This bill overspends to defend the people of Western Europe against nonexistent threats when they can afford to do it themselves. It overspends on weapons whose political justification far exceeds their military justification. It overspends to fund outdated theories that date from the Cold War. And, consequently, it requires us to underspend on important domestic priorities.

The bill ought to be defeated and sent back to the committee. It increases by tens of billions of dollars over last year, and that comes directly out of every other appropriation bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would advise everyone that it is no secret that the Republicans are putting together the plan to derive a pharmacy benefit for the over-65 individuals of whom are most needy; and we are not ashamed of that at all.

I will also say that what a curious thing it is that we will always have a critic that will always question a weapons system that will say, well, what is the purpose of that? It has never shot a nuclear missile?

My colleagues, we had a B–2 bomber, this is called the Spirit of Indiana, and I dedicated that B–2 bomber in Indiana; and when I dedicated it, I prayed that it would never drop a bomb.

Now, why would we ever build a billion-dollar weapon system and pray that it would never drop a bomb? Because it is a deterrent.

A police officer, when he carries a weapon, I say to the gentleman from Massachusetts (Mr. FRANK), he says a prayer that he never has to use his weapon. When he pulls that weapon, he does not say, I want to brandish it, I want to threaten, actually, I want to pull the trigger and shoot and kill someone because it is going to make me feel good. No. It is used as a deterrent. We have different weapon systems out there that are used as a deterrent, and they are extremely important.

For the gentleman to question to say, why are we building nuclear weapons, in fact, that we are never going to use them, and then to say that we have other domestic priorities is ridiculous and rather silly.

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, in the first place, I did not question nuclear weapons. I questioned nuclear submarines, attack submarines.

Obviously, we should have nuclear weapons. I want us to keep most of them. My point was nuclear attack submarines had a Cold War justification; and given the state of the enemy that we are likely to confront today, the smaller, poorly armed, evil-minded states, nuclear attack submarines are a waste of money and do take away from other things.

Mr. BUYER. Mr. Speaker, reclaiming my time, the Russian Bear has been replaced by a thousand Vipers; and we have to be leaning forward and be very prepared and be very ready because we do not know who is going to be the next threat.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, I want to say first of all that I think this is a very fine rule that allows the House to work its will on this very important legislation. I think this is an exceptionally good bill.

First of all, I want to compliment the gentleman from California (Mr. LEWIS), our chairman, and the gentleman from Pennsylvania (Mr. MURTHA), our ranking Democrat, for their excellent leadership on this particular bill.

One of the things that I think stands out in my mind about this bill is the fact that we are moving forward the Army's program to transform Army brigades to a new medium configuration that can be deployed within 96 hours anywhere in the world on a C–130 or, better, on a C–17. I am very pleased that the Army has selected Ft. Lewis, Washington, as the place to do this transformation of two of these brigades.

I think the Army is correct to try to have a more deployable force. We saw the problems in Kosovo with the Apaches, first of all the inability to deploy them for some period of time, and then the fact that they were not prepared when they got there to be utilized. I think that is a serious problem for the Army that we must confront.

I would only say to my friend, the gentleman from Massachusetts (Mr. FRANK), that attack submarines, by the way, were just given a scrub by the Joint Chiefs of Staff. They think the fact that we only have 50 is a serious mistake. They think we should have about 68. We will be very fortunate if we can keep 57 attack submarines.

Now, I would point out to the gentleman that there is an ASW role for attack submarines. There is a special forces role for attack submarines. There is a very important intelligence role. And they are very crucial in any kind of a war-fighting scenario against any country. Anytime somebody has a ship at sea, an attack submarine is the last thing they want to confront. So I think they still have a very important utilization.

One of the things that I worked on, and I see my good friend from Texas and my good friend from California here on the floor, has been the effort to modernize our bomber force. In this whole defense debate, I do believe the one serious mistake we are making is not adequately funding our bomber force.

I was particularly proud of the fact that the B–2 bomber was utilized, along with the B–1s and the B–52s, in the war in Kosovo and Yugoslavia. Many of us read the report in Newsweek that talked about the difficulty against relocatable targets. Well, I will tell my colleagues this, that the B–2 with the 2,000-pound JDAMs was used against fixed targets and it was extremely accurate and extremely effective.

In fact, we are now going to, with the money that is in this bill, put a new bomb rack on the B–2s and we are going to be able to put 80 500-pound JDAMs on each of these planes. And they will all be independently targetable. We will be able to take out 80 separate targets in one sortie. I mean, this is revolutionary.

We are also adding capability with Link 16 to give the B–2 not only the ability to go deep underground but also to go against relocatable targets and, with the use of submunitions, to go against advancing armor. This will turn out to be the most impressive, the most important conventional weapon ever developed by the United States or by any military force in the history of mankind. I am proud that the Congress, this House, four times voted with the gentleman from Washington on this particular issue.

I think we have been vindicated by those who said it could not fly in the rain. By the way, in Yugoslavia, it was the only plane that did fly in the rain that could drop bombs because we were using the GPS system, which does not rely on laser guidance. So I am very proud of the fact that we continue the modernization of the B–2 with some adds in this particular bill to give it even greater capability. Its mission planning has been improved. We were giving it a multitude of bombs that it can handle. It will be a conventional weapon that I think allows us to make some reductions under START I, under START II, and eventually under a START III agreement in the number of nuclear weapons that we need for deterrent purposes.

I think it is much more important to have conventional weapons that we can utilize. It is true that deterrence is based on weapons like the Trident submarine, which I have been a major supporter of. But we are not going to use those weapons. In fact, I hope that we can take the four Tridents that we are downsizing and use them for conventional purposes, to add a conventional capability with Tomahawk to those four Tridents and maybe using two of them for special forces operations.

So I think there are many good things.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in strong support of this rule and H.R. 4576.

Mr. Speaker, this is the first year that the President has brought us a reasonable defense budget for consideration. Over the last 7 years, the President's budget has failed the military service chiefs and our fighting men and women in uniform. While the President's budget was reasonable this year, it still failed our arms services to the tune of $16 billion, according to what the service chiefs have told us.

However, under the leadership of the gentleman from California (Chairman LEWIS), the House has once again added funding to support our defense requirements. While still living within a balanced budget, we have added $4 billion to the President's defense request. This was used to fund much-needed programs.

For instance, the B–2 bomber that my friend the gentleman from Washington (Mr. DICKS) just spoke about was the central part of the success story from the air war in Kosovo. The B–2's success in this conflict underscored our need for an adequate and modern bomber fleet.

We also learned some very important lessons about the effectiveness of our smart bombs during the war and we learned we had some shortcomings. We found that there are changes that could be made that would make our bomber fleet more effective. One of those was to add 500-pound bomb capabilities instead of just the 2,000-pound bombs. We used to talk about how many planes it would take to take out a target. Now we are talking about how many targets one plane can take out.

Unfortunately, the President failed to fund the research and development of the 500-pound JDAM and the 500-pound JDAM bomb rack even though the service chiefs had told us that that was a high requirement.

It was under the leadership of the gentleman from California (Chairman LEWIS) that funding was added for these upgrades and advancements. In total, the committee added funding of $96 million for upgrades on the B–2. These include the Link 16 upgrades that will modernize the cockpit and allow for in-flight replanning, research, and development of the 500-pound JDAM and the integration on the B–2.

The flights that we had over Kosovo were actually 30-hour flights that went from the State of Missouri. And when we are on long missions like that, sometimes changes are made in the planning. These Link 16 upgrades will allow for that. With the success of the B–2, these upgrades will allow our military to exert further strength and keep freedom and peace abroad, thus making B–2 truly the Spirit of America.

This is just one program of many that the committee has seen fit to fund at the level it needs. Faced with a very difficult task, the committee found a way to ensure that our forces are taken care of and our national security remains strong. I congratulate them for this bill, and urge a yes vote on this rule and on the legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, it is time that we in Congress get our priorities straight. Today, despite the so-called economic boom, tens of millions of Americans are working longer hours for lower wages than was the case 25 years ago. They are working two jobs or they are working three jobs and they are desperately trying to keep their heads above water.

In the United States today, 44 million Americans have no health insurance, and millions more are underinsured. The United States has the greatest gap in the industrialized world between the rich and the poor, and 20 percent of our children live in poverty, the highest child poverty rate of any major country.

Millions of senior citizens in this country and middle-income families cannot afford the prescription drugs they need, and the U.S. Congress has made the health care crisis even worse by cutting in 1997 several hundred billion dollars from Medicare. Throughout this country, veterans who put their lives on the line defending this Nation are unable to get the quality health care they need and deserve.

In the United States today, we are experiencing an affordable housing crisis, with millions of hard-working families paying more than 50 percent of their limited incomes just to pay the rent; and some of the more unfortunate low-income workers are people sleeping out on the streets or in their automobiles.

In this country we talk a whole lot about education, but millions of American middle-class families cannot afford to send their kids to college and many of our kids who graduate find themselves deeply in debt.

In other words, Mr. Speaker, the middle class of this country, the working families, our senior citizens, our veterans, our young people, low-income people, have some very serious problems.

□ 1515

Unfortunately, when these constituents cry out to Congress and ask for help, they are told over and over again that there is just no money available to help them, that we just do not have the resources. But when it comes to military spending, it appears that the defense contractors who want to design the most exotic and expensive weapons systems in the history of the world are able to obtain all of the funding they want. When it comes to defense spending, we apparently have billions to spend on the construction of a national missile defense system that many scientists believe will not work and is not needed; billions to spend on aircraft carriers and fighter planes that just coincidentally are built in the States and districts of powerful Members of Congress; billions to spend on military projects that coincidentally are built by contractors who contribute huge sums of money to both political parties. When it comes to military spending, we apparently have the resources to increase the defense budget by 7 percent, a $22 billion increase from last year.

Mr. Speaker, I believe that the U.S. needs a strong and superior military system. We must be prepared for the new threats and challenges that lie ahead. We must provide decent pay, good housing, good quality health care and child care and other vital services to our men and women in uniform.

We must do a much better job than at present in understanding the cause of Gulf War illness which is why I am offering an amendment later on in this bill so that we can better understand the cause of that illness which is affecting 100,000 Americans.

But the bottom line, Mr. Speaker, is enough is enough. Today when we look at our military budget, it is not just that we spend more than 18 times as much as the military spending of all of our potential adversaries combined; but when we combine our spending with NATO, who will be our allies in any major international conflict, the numbers are absolutely incredible. The bottom line is that we as a Nation have got to get our priorities right. There is a limited sum of money out there, and we must make sure that we spend it appropriately. We cannot turn our backs on our seniors, on working people, on the children and simply look toward the military budget.

I would ask that this bill be defeated, sent back to the committee and brought forth again for a more appropriate response.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I want to take with my short time maybe a little bit different tack here. I want to speak on the rule for just a minute or two. I think this is a good rule. I want to associate myself with the remarks of the gentleman from Washington (Mr. DICKS) earlier from the other side who took some time to talk to the rule and to the bill. I think that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have taken great effort to fashion a bill that warrants debate. The rule this afternoon allows for that kind of debate to take place here in the House and offers

everybody an opportunity should they wish to be heard on that. I suggest to Members that they approve the rule.

On the bill, itself, Mr. Speaker, we find increasingly here in the House that nothing is easy when we are talking about appropriations bills. We are asked increasingly to do more with less, whether we are talking about this bill or any of the others that will come these next few weeks and months. I happen to believe that our priorities in this case are appropriate. I think as I said on the rule issue a few moments ago that some time and energy has taken place here to make sure that we do have a bipartisan bill for us to look at.

We have a bipartisan opportunity for us to talk about what should be done and what should not be done, but when we are talking about money and when we are talking about taxpayers' money and priorities, I believe that this time around we are going to offer the House an opportunity to vote affirmatively on a bill that has those priorities in place. Whether we are talking about those of us who want to geographically cast ourselves from the Northeast and the Midwest and the West and the South, I think that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have taken that time, have listened to their members, they have listened not only to the members on the subcommittee and the full committee, but they have listened to Members at large who had things to say before the committee during some of those hearings.

I would say to our colleagues who are out in their offices and will be back here later this afternoon and this evening to vote on this bill that they take a good look at it. I think that we have begun this early in our system of rules and bills because it is a bipartisan effort. I suggest approval later this evening.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Speaker, we are about to consider the defense appropriations bill. Buried in this bill is a seemingly innocuous provision that would have a profound effect. The provision would require the Defense Department to obtain prior approval from both defense authorizing and appropriating committees before transferring funds to the Justice Department for litigation.

The motivation for this provision may be to allow the Congress to keep track of funds appropriated to the Defense Department, but the provision has a major unintended and adverse effect. It would effectively block the Defense Department's contribution to the Justice Department's suit against the tobacco industry. This suit is currently under active consideration in the courts. Cutting off funds would seriously cripple DOJ's efforts to hold the tobacco industry accountable and to recover the billions of dollars spent by the Government on smoking-related health care.

The tobacco lawsuit is strongly supported by the Department of Defense. Smoking-related illnesses cost the Department nearly a billion dollars each year. If the Justice Department case is successful, it could result in a substantial financial benefit to DOD health care programs which stand to share in the recovery.

I had considered offering a simple amendment. It would ensure that the restrictions on transfers would not apply to currently pending litigation. It would thus ensure that there is no unintended impact on the tobacco case. However, I do not intend to offer my amendment at this time. I understand that the underlying provision is part of the bill's report language, not its statutory language; and I believe that the provision can and, I am hopeful, will be fixed in conference so that it no longer has any impact on the tobacco litigation.

However, other appropriations bills moving through the House, such as VA-HUD and Commerce-State-Justice contain statutory language that is explicitly designed to stop the tobacco lawsuit. This is simply wrong. Rather than supporting the administration's effort to protect the Federal taxpayers and public health, these bills are trying to defund the litigation. This is nothing less than a secret gift to the tobacco industry. As the other appropriations bills move through the process, I urge my colleagues to strip out special protections for big tobacco; but if these provisions remain, I intend to shine the spotlight on them and fight to eliminate them.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise in support of the rule and to express my full support for H.R. 4576, the Defense Appropriations Act for fiscal year 2001. This important legislation honors the men and women serving in our Nation's armed services. I commend the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) for their leadership and commitment in addressing the needs of our service men and women and their families.

This bill enhances recruiting, retention and quality-of-life programs. It also includes a 3.7 percent pay raise and an additional $64 million for basic housing allowances. It also addresses procurement shortfalls that our military has suffered since the Kosovo campaign.

In particular, I am thankful for the gentleman from California's support for metrology and calibration accounts and the C–17 Globemaster funding levels. I look forward to working with the gentleman to explore the active associate wing concept for any additional C–17s procured.

Mr. Speaker, I believe this bill is good for the U.S. service men and women, good for the national security needs of our country, and a sound investment for the people of the United States. Once again I would like to thank the gentleman from California (Mr. LEWIS) and the staff of the Subcommittee on Defense of the Committee on Appropriations for their long hours and dedication. I know my district and the Nation's service men and women are better off because of their commitment. I support the rule and the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. Speaker, the bill before us today would in 1 year raise funding for the Pentagon by $24 billion. Given some of the stories I have heard from the troops in the field, some of that money might be well spent. Unfortunately, I do not believe it is in this bill, and I do not believe it is getting to the folks that need it. I met the dad of a Marine who had a fancy new digital radio, that is true, they had acquired that for him; but the Pentagon told him they could not afford a waterproof cover for the nonwaterproof digital radio, and his dad was in GI Joe's in Oregon buying the kid a waterproof cover for his radio. There is something wrong with a Pentagon that can provide the fancy equipment, but it cannot provide the basics. We still have families in the military on food stamps. This bill does not take care of that problem. We have recruitment and retention problems. We have problems for hard duty, sea duty. There were requests by the Pentagon to fund those programs. They are not funded in this budget.

This budget does not take care of the young men and women serving us in the military, but it does take care of the defense contractors. Huge new weapons programs will be rushed forward with this bill. More billions for Star Wars that is yet to have one successful test. We are going to rush production of the F–22 aircraft. Yet this is an aircraft that is 2 years behind on its flight tests and has yet to complete even basic flight testing.

But we are going to move ahead to procurement of a weapon that may not be needed that at this point does not work at a cost of $300 million per fighter plane. It is supposed to be stealthy. The only thing stealthy about it is if we spend all our money on F–22s, they will be stealthy, we will hardly see an American fighter plane in the next war because we will not have hardly any and the ones we have might not be able to fly. Let us slow that down.

Contractors return voluntarily nearly $1 billion of overpayments sent to them by a Pentagon that cannot keep track of its funds, and the GAO says there were another $5 billion of overpayments at least that were rendered.

They cannot even do bookkeeping. The answer is to give them another $24 billion; $24 billion that does not go to the troops, $24 billion that does not go to basic readiness, $24 billion that does not go to recruitment and retention problems, $24 billion that flows to weapons systems that we do not need, that do not work, that are costing outrageous amounts of money.

It is time to inject a little common sense into this debate. I am going to offer an amendment on the F–22 to slow that program down and save $1 billion. I am also going to offer another simple common sense amendment, perhaps too common sense for us inside the Beltway here, not for me but maybe for other Members, that would say that any contractor who three times is convicted of procurement fraud against the taxpayers of the United States would not be eligible to further contract with the Department of Defense. I will not even go back in time. If we did it retroactively, it would disqualify all our defense contractors. But let us go from this date forward and say from this date forward defense contractors are not going to commit fraud against the taxpayers of the United States; and if they do, they will lose their contracts.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Speaker, the Preamble to the Constitution of the United States when it speaks of we the people of the United States, it goes on to speak of forming a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, securing the blessings for ourselves and our posterity.

Providing for the common defense is something that we as Members of Congress need to do. But we also have to ask when $24 billion extra is put into a defense budget, when the defense budget today is in excess of $300 billion, we have to ask whether or not some of the other promises to the people of this country are being ignored. Because certainly the national defense should include the ability to provide for decent health care for all, for a decent education for all, for decent jobs for all. That too should be part of our national security. If that is not, then we should in the alternative make sure that in this huge Federal budget that we meet the economic and social needs of the people.

□ 1530

Now, this bill, Mr. Speaker, includes a provision for $1.8 billion for a boondoggle called the National Missile Defense System. This system is a fraud on the taxpayer, and it is a danger to arms reduction. First, the technology is not feasible. It is not testable, and, therefore, not reliable. It does not protect against real threats, but it does richly line the pockets of military contractors.

It will destabilize our relations with our allies worldwide and will spark a new and expanded nuclear arms race. It violates years of work towards disarmament and nonproliferation. This national missile defense, so-called defense, is a technological failure. A recent New York Times article gives Congress an inkling to the truth about this missile defense.

This Times analysis, which was based on a report from an MIT scientist, goes on to state that, well, the national missile defense system depends on the system's ability to discriminate between the target warhead of an incoming missile and decoys, something has gone wrong with this system.

According to the New York Times, the system has failed those tests, that it cannot discriminate between the target warhead of an incoming missile and decoys. This is a quote from the newspaper, ''The Pentagon hailed the first intercept try as a success, but later conceded that the interceptor initially drifted off course and picked out the decoy balloon rather than the warhead,'' end of quote, that is because, according to the Times, the system cannot tell the difference between warheads and decoys. Experiments with the National Missile Defense System have revealed that the system is, quote, ''inherently unable to make the distinction,'' and that is between the target warhead, and decoys. The New York Times characterized the MIT scientist as saying the signals, quote, ''from the mock warhead and decoys fluctuated in a varied and totally unpredictable way,'' that is inner quotes, revealing no feature, inner quotes, ''that can be used to distinguish one object from another,'' end quote.

Indeed, the Times reported the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart. In other words, Mr. Speaker, the national missile defense which we are about to appropriate close to $2 billion for does not work and cannot work because it is inherently unable to tell the difference between warheads and decoys, Mr. and Mrs. Taxpaying America.

Now, listen to this, Mr. Speaker. After this report appeared in the New York Times, Defense saw to it that this letter that was sent was classified. Now, it was classified before we had a chance to have a debate over this on this floor; that classification tactic was simply, I believe, to chill the debate.

I am going to be called on the appropriate legal enforcement agencies to investigate this whole effort to cover up a system that does not work, to trick up test results, because there is fraud and deceit here. The taxpayers are being cheated. I am going to offer an amendment that seeks to, as other Members will, deal with this subject, because the national missile defense does not address the real threats that exist, and the system will simply line the pockets of major defense contractors.

It is wrong to cheat the taxpayers of the United States. And that is what this so-called phony missile defense program does. We have already spent $60 billion in the last 15 years on antimissile defense research, and it has not produced a weapons defense system that can work. It is wholly ineffective. It is a lie, and it needs to be exposed and it will be.

[From the Cleveland Plain Dealer, June 6, 2000]

MISSILE DEFENSE IS POLITICAL FICTION

(By Frances FitzGerald)

The debate over national missile defenses has been nothing short of surreal.

On the one hand. President Bill Clinton and Vice President Al Gore have been promoting a limited defense system to protect the nation against attacks by rogue states, though the system has not been proven and may never work reliably. They have also been asking Russia to agree to amend the anti-ballistic missile treaty to permit such a system, though the Russians have always adamantly opposed such an amendment and continued to do so at the summit meeting last weekend in Moscow.

On the other hand, Gov. George W. Bush has promised a much more robust national missile defense, though based on technologies he has not yet named.

In addition, he has promised deep reductions in the American and Russian strategic arsenals. The Russians, however, have already told us that they see a larger defense effort as a threat to their nuclear deterrent. The idea that they would make deep reductions in the face of such an effort defies logic.

Everyone in Washington knows all of this, so what is going on?

The answer, of course, is politics. But it is a politics that cannot be understood apart from the history of the debate, a debate that has never been about reality.

On March 23, 1983, President Ronald Reagan, whose hard-line anti-Soviet policies had by then given rise to the largest anti-nuclear movement in Cold War history, personally—and almost in secret—wrote an insert to a routine defense speech, calling on the scientific community to turn its great talents to the cause of world peace and to give us a means of rendering nuclear weapons ''impotent and obsolete.''

In background briefings after the speech, there was talk of such Buck Rogers weaponry as space-based lasers that could destroy the entire Soviet missile arsenal.

Reagan's own officials, among them Secretary of State George Shultz, were appalled, and some speculated that the president had gotten the idea from a science-fiction film. It took them almost a year to discover what a stroke of political genius the speech insert was.

Since 1946, opinion polls had shown that the vast majority of Americans believed that scientists could develop a defense against nuclear missiles if they put their minds to it. Indeed, except when the issue of vulnerability was front and center in the news, most Americans expressed confidence that the United States had a defense against nuclear weapons already.

Just two weeks after Reagan's speech, a White House poll asked respondents whether they believed scientists could come up with ''a really effective way to destroy Soviet nuclear missiles from space.'' The answer was, as always, a resounding yes.

Reagan certainly expected this answer. In addition, he and his close aides recognized that, because of its inherent ambiguity, a defense initiative would appeal to conservatives as a way to develop a weapons system even while it appealed to the public at large as a means to eliminating the nuclear threat.

By the time of Reagan's re-election in November 1984, all of his top officials had lined up behind the Star Wars concept. A number of existing research programs were cobbled together, and the Strategic Defense Initiative was launched with great fanfare and much rhetoric about the potential of lasers and other exotic technologies.

Shultz, Robert McFarlane and other moderates in the administration wanted to use SDI as a bargaining chip for Soviet strategic weapons.

''It would be like giving them the sleeves off our vest,'' Shultz told the president.

However, Defense Secretary Caspar Weinberger, his aide Richard Perle and their fellow hard-liners had other ideas. They saw SDI as a way to block offensive-arms reductions, to tear up the 1972 ABM treaty and to begin an arms race in defensive as well as offensive weapons.

The two sides brawled for the rest of the Reagan administration, and neither succeeded in gaining its ends.

In the meantime, however, SDI became extremely popular in the polls. While the hardliners pleased knowledgeable conservatives by blocking strategic talks, Reagan pleased the public by offering to share SDI technology with the Soviets and promising the elimination of nuclear weapons. The anti-nuclear movement, its rhetoric stolen, gradually faded away.

In the past 15 years, the United States has spent $60 billion on anti-missile-defense research and has yet to produce a workable weapons system. An effective defense of the country remains wholly elusive.

Yet Republican conservatives have continued to speak as if exotic technologies were ready to jump off the assembly lines, and have continued to press for a deployment of something—anything—that would irrevocably commit this country to an open-ended process of developing national missile defenses.

Congressional Democrats tried to resist the pressure, but their ability to do so waxed and waned with their own political fortunes and those of the Republican right. In early 1998, or around the time the Republicans took their impeachment case against President Clinton to the Senate, the Democrats gave way.

The previous fall a commission headed by Donald Rumsfeld, a former defense secretary, had concluded that ''rogue states'' could acquire ballistic-missile technologies, and North Korea had test-fired a long-range missile out over the Pacific.

In January the Clinton administration pledged financing for the deployment of a national missile-defense system to cope with this threat. In March the Senate, with administration support, overwhelmingly approved a resolution calling for a deployment.

At the time, White House officials commented that the administration's support for the bill would help to defuse a potent political issue for the Republicans in the campaign of 2000.

Last fall Clinton announced that he would make a final deployment decision this summer, in the very midst of the presidential campaign.

This determination clearly had little to do with technology, for the schedule did not permit time for adequate testing—and since then one of the two tests has failed. Rather, it had to do with the fear that the Republicans would call Democrats weak on defense.

In their unsuccessful attempt to persuade the Russians to agree to the deployment, administration officials assured them that they could defeat the system if they kept 1,000 or more strategic nuclear weapons on full alert. This was hardly a bargain for either country, given the decay of the Russian early-warning system and the increasingly real threat of an accidental launch.

In the midst of these technological and diplomatic embarrassments for the administration, Bush revived the political issue by calling for the entire Reagan program: Star Wars, radical nuclear-arms reductions, the de-alerting of nuclear forces and the sharing of anti-missile technology with our allies and possibly the Russians as well.

The proposal is, of course, self-contradictory. It is also wildly implausible, in that the Pentagon is no more likely to agree to give away advanced American technology than it ever was, and no country except the United States can afford an open-ended missile-defense program.

But then, the majority of Americans did not notice any of these problems when Reagan made the proposal 15 years ago.

[From the Washington Post, June 4, 2000]

A STRATEGY OF SILENCE ON MISSILE DEFENSE

(By Greg Schneider)

If President Clinton wants to show Russian President Vladimir Putin the potent mix of interests making ballistic-missile defense a priority in this country, he could invite Putin to continue their summit at the Wyndham Franklin Plaza Hotel in Philadelphia.

There they would find an archetypal blend of politics, military and industry in the form of a week-long conference hosted by Rep. Curt Weldon (R–Pa.) and co-chaired by the Pentagon's Ballistic Missile Defense Organization and Lockheed Martin Corp.

Inside those closed-door sessions are the stakeholders in a campaign to create a land-based anti-missile system designed to shoot down warheads launched at the United States by terrorists or ''rogue'' states. The National Missile Defense program is to receive $12 billion over the next six years and could grow much larger.

While President Clinton weighs a decision on whether to order construction of the system, and while Republican presidential candidate George W. Bush calls for an expanded defense shield, the nation's defense contractors are uncharacteristically silent about this potential windfall of them and their shareholders.

The Philadelphia conference is closed to the public and press, though representatives of several foreign militaries will take part. The companies in attendance and others in the defense sector do virtually no marketing of missile defense in the media. They don't even do much direct lobbying on Capital Hill, according to executives, lobbyists, staffers and experts.

The technology is too risky, sources said, and the issue has too many international complications. But mostly there is little need to lobby, because Congress is already dead set on finding a way to stop hostile foreigners from hitting American troops or cities with long-range missiles.

''It's religion on Capital Hill,'' said an industry executive who asked not to be named.

''I think [the companies] sense there's an irresistible drive that something is going to be fielded, and perhaps in this instance they can sit out the overt plug for the system itself and let the events just carry the current like a wave ahead of them,'' said retired Army Col. Daniel Smith, chief of research at the nonpartisan Center for Defense Information. ''That way they can be good guys in a sense and still get the contracts and save their powder for the real battles.''

Critics charges that the companies take a subterranean approach to the issue, funneling money to think tanks that use speeches studies and seminars to spread the gospel of missile defense. ''It's been a very sophisticated disciplined lobbying effort,'' said William D. Hartung of the World Policy Institute in New York.

The stakes are high and growing. The national has spent more than $60 billion on missile-defense research since Ronald Reagan announced his plan for a space shield against Russian warheads in the early 1980s. It could spend anywhere from $30 billion to $50 billion more on the National Missile Defense program by 2015, depending on how extensive a system is built, according to the Congressional Budget Office.

Thousands of companies across the country benefit from ballistic-missile defense programs, though nearly half of the spending goes to four major players: Lockheed Martin, Boeing Co., Raytheon Co. and TRW Inc.

Although much of the work is done in Alabama and California, a breakdown of $2.55 billion in current contracts shows 46 Northern Virginia-based companies receiving a total of $166 million, according to Eagle Eye Publishers, Inc. in Fairfax. Seventeen contractors in Maryland and the District divided another $28 million.

Others would like to get into the field. Northrop Grumman Corp., for example, has spent years prepping for a chance to build radar for an expanded version of the National Missile Defense program.

But John Johnson, director of advanced technology businesses at Northrop Grumman's electronics sector near Baltimore, said he recently learned that National Missile Defense prime contractor Boeing is planning to stick with the radar it currently buys from Raytheon.

''It's difficult to understand why in the world they would not want to have competition,'' Johnson said. ''Especially when you consider the fact that whoever does this is going to have a monopoly for the next 20 to 30 years in that particular line of business. We're talking a tremendous amount of money, billions of dollars, for tens of years.''

Such scale is especially irresistible to the big companies that hunger for huge, long-term contracts after a decade of industry consolidation and several years of rejection by Wall Street. The primary question is how far Congress will ultimately be willing to go.

Reagan's original vision of a vast space shield, dubbed ''star wars,'' evaporated in the hot glare of physics and negative publicity. But the Persian Gulf War rekindled the issue as Saddam Hussein menaced Israel and attacked U.S. troops with crude Scud missiles. The military had no reliable answers to that threat so Congress ordered it to come up with something.

Since then, North Korea and other potential enemies have worked to develop rocket technology that could let them deliver warheads of every description to faraway places—theorectially including the United States.

So the Pentagon is stoking antiballistic missile technology on two fronts: The National Missile Defense program would establish a limited network to protect the nation from the odd missile or two launched by terrorists. And several ''theater missile defense'' programs are aimed at protecting troops or ships in battle from Scud-like threats.

Boeing is the lead company on National Missile Defense, having won a three-year, $1.6 billion contract in 1998 to assemble a basic system.

Lockheed Martin lost out on that contract but is the major player in theater missile defense, with its upgraded version of the Patriot missile and the Army's $14 billion Theater High-Altitude Area Defense, or Thaad, system. The company could gain an important role in national missile defense as well, if the program is expanded to include Navy ships using Lockheed Martin's Aegis combat system.

Raytheon and TRW are present as subcontractors on virtually every type of missile-defense program. Raytheon makes the crucial X-band radar for both National Missile Defense and for Thaad, as well as the ''kill vehicle'' on the tip of the NMD missile. TRW is creating the battle management, command and control system for NMD; is working with Boeing and Lockheed Martin on the Air Force's Airborne Laser program; and is competing to build a low-orbiting network of early-warning satellites.

The Ballistic Missile Defense Organization, which coordinates most of the systems, also has a small-business innovation program that has awarded about $450 million in research contracts to thousands of companies in all but about three states since 1985. The agency sends out a monthly newsletter highlighting technology contracts in particular states, which experts say is BMDO's most overt effort to emphasize the far-flung political constituencies of its programs.

National Missile Defense is by far the most politically sensitive project. It is a topic not only at this weekend's summit in Russia but also in this year's presidential campaign. The central issue is when to begin deploying a land-based missile-defense system, and how big to make it. Many defense officials expect President Clinton to postpone the deployment decision until the next administration.

One executive in the defense industry said that while contractors believe George W. Bush would act faster and on a bigger scale, they also have faith that pressure from Congress would make Democrat Al Gore follow suit eventually.

Either way, the executive said, the research dollars will keep flowing.

Such research could lead to valuable spin-off technology in other business areas such as communications, remote sensing and optical technologies, said Malcolm O'Neill, who heads Lockheed's air and missile defense efforts. O'Neill, a retired Army general who was the first commander of the Ballistic Missile Defense Organization, continues to serve on a BMDO advisory panel.

The industry's expectation that research dollars will flow regardless of when the system is deployed is one reason, insiders say, that defense lobbyists are not trying to push missile defense.

A bigger factor is that the topic ''is so political that the defense contractors really don't want to be prominently involved in something that is that visceral in terms of opposition or support,'' said Richard Cook, a veteran lobbyist and former head of government operations for Lockheed.

Cook recalled catching a company official briefing a group of senators on the promise of missile defense in the early 1980s. ''I chewed [him] out,'' Cook said. ''I said, 'Hey, what are you doing talking about missile defense? You have no idea what it's going to cost, and the politics are such that you're going to have little or no influence and in fact you'll probably end up embarrassing Lockheed.'''

At that time, too, he said, the company's own scientists were divided over whether the technology would even work.

Critics argue today that the whole effort—but especially National Missile Defense—is technologically impossible. ''This isn't going to defend anyone except defending the interests of some defense contractors and lining their pockets,'' Rep. Dennis J. Kucinich (D–Ohio) said last week at a rally against missile defense.

He pointed out that the four biggest contractors are heavy campaign donors. The defense industry as a whole supplied more than $2.3 million in soft money to the major parties last year, according to Common Cause.

Hartung, the arms-control expert at the World Policy Institute, charges that defense companies have shaped the debate over missile defense by working indirectly through think tanks and study groups that influence key participants.

''These companies are desperate for cash, and they view this system as their meal ticket—not for this year but for the next generation,'' Hartung said.

He emphasized links between defense contractors and the Center for Security Policy, an arms advocacy group run by former Reagan defense official Frank J. Gaffney Jr. The center has written speeches for politicians who support missile defense, hosted conferences and honored public figures for championing the cause.

Gaffney said in an interview that he hopes his group has helped accelerate interest in missile defense, but he rejected the suggestion that his effort is tainted because the center's board of advisers includes executives from Lockheed Martin, Northrop Grumman and other companies.

''I think people who don't like our message would find any pretext to dismiss the message,'' he said. The center reported that corporations contributed 17 percent of its $1.2 million in revenue for 1998, the most recent year available.

Gafney also is intimately involved with a new group called the Coalition to Protect Americans Now, which has funded a pair of television ads warning that ''America is unprotected against missile attacks and calling on the president to deploy ''a strong missile defense—now.''

The ads, which were being run on CNN this weekend so that the president could see them in Europe, are being funded by Colorado heiress Helen Krieble, Gaffney said.

He expressed frustration that the companies involved in ballistic-missile defense have not so far chosen to participate. That was a sentiment shared by Curt Weldon, the Pennsylvania congressman who persuaded the Ballistic Missile Defense Organization to hold the conference in Philadelphia tomorrow through Thursday.

''I think they've not done enough'', and they've benefited from these programs,'' Weldon said of the companies. ''They have a responsibility I think, to use their resources to at least make the case why it's important business-wise. We're not doing this because it means jobs, but the fact that it does means jobs make it somewhat critical for them to tell that story.''

Five or 10 years ago, Weldon said, the companies were reluctant to take a high profile because the programs were so controversial. ''But we've changed that. We've changed the whole debate in this country,'' he said. ''Now I think it's appropriate for them to weight in . . . and I will continue to press them until that happens.''

Scientific Panel Says National Missile Defense Won't Work

The Union of Concerned Scientists and the Massachusetts Institute of Technology Security Studies Program today released the first major study presenting technical evidence that the planned US National Missile Defense (NMD) system would be defeated by simple responses from new missile states.

The report, by a panel of eleven independent senior physicists and engineers, also finds that the current NMP testing program is not capable of assessing the system's effectiveness against a realistic attack.

''This so-called national missile defense system won't do the job,'' said report chair Dr. Andrew Sessler, former director of the Lawrence Berkeley Laboratory and past president of the American Physical Society. ''The United States should shelve its NMD plans and rethink its options for countering missile threats.''

The NMD system is intended to defend US territory from attacks by tens of intercontinental-range ballistic missiles armed with nuclear, chemical, or biological weapons. President Clinton is scheduled to decide on deployment this fall, after a third intercept test in June and a Pentagon recommendation in July. The first intercept test in October scored an ambiguous hit; the second test in January was a miss.

The report was researched by top scientists from Lawrence Berkeley Laboratory, MIT, Cornell University, the University of California at Los Angeles, the University of Maryland, and the University of Pennsylvania. Study members include senior defense consultants to the US government and nuclear weapons laboratories, and former members of the Defense Science Board, the Rumsfeld Commission, and the Lockheed Corporation. The scientists used physics and engineering calculations to analyze both the planned NMD system and the simple steps—known as ''countermeasures''—that nations developing long-range missiles could take to foil the defense.

For biological or chemical weapons, the missile warhead can be divided into many small bomblets that would be released from the missile early in flight and overwhelm the defense with too many targets. The analysis in the report shows that the technology for bomblets would be readily available to an emerging missile state.

''Any long-range missile attack with biological weapons would surely be delivered by bomblets,'' said Dr. Kurt Gottfried, a physicist at Cornell University and chair of the Union of Concerned Scientists. ''The planned NMD system could not defend against such an attack.''

The report also finds that attackers using nuclear weapons could defeat the system by deploying their warheads inside mylar balloons and releasing many empty balloons along with them, presenting the defense with an unwinnable shell-game. Or a nuclear warhead could be covered by a shroud cooled to very low temperatures, preventing the heat-seeking interceptor from detecting and homing on the target.

The US intelligence community, in a September 1999 report, also found that developing nations could deploy countermeasures with their long-range missiles and would be motivated to do so by US NMD deployment.

''Any country that can deploy a long-range missile with a nuclear or biological weapon can deploy these countermeasures,'' said Dr. Lisbeth Gronlund, a physicist at UCS and MIT. ''Pentagon claims that the system can deal with countermeasures simply do not stand up to technical scrutiny.''

The study shows that the NMD testing program will not be able to determine if the system would be effective against these countermeasures. Tests against realistic targets will not be conducted before the first phase of deployment in 2005, if at all.

''Since we find that even the full NMD system would be defeated by realistic countermeasures, it makes no sense to begin deployment,'' said Dr. Sessler. ''A defense that doesn't work is no defense at all.''

As a companion to the new report, USC produced an animation that shows how straightforward devices like balloons and

bomblets would confuse the NMD system. The animation and report can be viewed on the UCS website at www.ucsusa.org/arms/.

MISSILE SHIELD ANALYSIS WARNS OF ARMS BUILDUP

(By Bob Drogin and Tyler Marshall)

WASHINGTON—The U.S. intelligence community is writing a secret report warning the Clinton administration that construction of a national missile defense could trigger a wave of destabilizing events around the world and possibly endanger relations with European allies, a U.S. intelligence official said Thursday.

The new National Intelligence Estimate will sketch an unsettling series of political and military ripple effects from the proposed U.S. deployment that would include a sharp buildup of strategic and medium-range nuclear missiles by China, India and Pakistan and the further spread of missile technology in the Middle East.

A supplement to the highly classified report will also note that the threat of attack from North Korea has eased since last fall, when Pyongyang effectively froze its ballistic-missile testing program in response to U.S. overtures.

Outside critics have long argued that the proposed national missile defense could backfire and actually diminish national security and global stability. But the CIA-led analysis and updated threat assessment are the first official evaluation of how the system could generate new threats.

The administration has pledged to decide this fall whether to proceed with an initial base of 100 ''interceptor'' missiles in Alaska, backed by ground-based phased radar stations and satellite-based infrared sensors, in a system designed to shield the continental United States from a limited missile attack.

Proponents of the system argue that North Korea, Iran or Iraq may threaten U.S. territory with intercontinental ballistic missiles someday. Critics argue that the threat is exaggerated, that the antimissile technology is unproved and that deployment would undermine crucial arms control and nonproliferation regimes.

CIA analysts believe that Russia would accept U.S. arguments that no system could protect against the number of missiles Moscow could launch and that its deterrent thus would be preserved. But China has only 20 CSS–4 intercontinental ballistic missiles in vulnerable silos, and the analysts say that, after a U.S. deployment, Beijing would conclude that it had lost its deterrent force—and act accordingly.

''We can tell the Russians that [the missile defense] won't affect the viability of their deterrent force,'' the intelligence official said. ''I don't know how we can say that to the Chinese with a straight face.''

If the U.S. system is built, the CIA believes, China would install multiple independent nuclear warheads on its missiles for the first time in an effort to overwhelm any missile shield. Beijing has possessed the technology for more than a decade but has not used it so far.

In addition, Beijing is deemed likely to build several dozen mobile truck-based DF–31 missiles, which it first tested last year, to create a more survivable force. It also is likely to add such countermeasures as booster fragmentation, low-power jammers, chaff and simple decoys to confuse or evade U.S. interceptors.

The intelligence official said that Russia and China both would increase proliferation, including ''selling countermeasures for sure'' to such nations as North Korea, Iran, Iraq and Syria.

Moreover, the official said, India is deemed likely to increase its nuclear missile force if it detects a sharp buildup by China, its neighbor and longtime rival. That, in turn, likely would spur Pakistan, India's archenemy, to increase its own nuclear strike force, the official said.

Former National Security Advisor Brent Scowcroft called such a scenario ''plausible'' and expressed concern about its possible implications.

''We ought to think whether we want the Chinese to change their very minimalist strategy,'' he said in a telephone interview. ''I'm not sure what the answer is, but this is certainly one of the possible consequences that, in a sense, is more serious than the Russian reaction might be.''

THE LIKELIHOOD OF A DOMINO EFFECT

Other specialists said that, while it is likely China would move to increase its intercontinental ballistic missile arsenal—now thought to be about 20 strong—it is questionable whether India and Pakistan would follow suit.

''China has had a strategic capability for a long time relative to India, and India has hardly gone on a missile arms race to counter it,'' noted John E. Peters, an arms control specialist at Rand Corp., a Santa Monica-based think tank.

Michael O'Hanlin, who tracks the missile defense issue at the Brookings Institution, a nonpartisan think tank in Washington, argued that, however dramatic it may sound, a domino-style nuclear arms buildup would be a lesser threat to the United States than China's potential willingness to develop and sell missile defense countermeasures to countries like North Korea. Arms control specialists have expressed strong concern that the missile defense system as designed would be incapable of overcoming relatively cheap and easy-to-deploy countermeasures, such as clusters of decoys.

''If they do that, it could defeat the entire purpose of the national missile defense,'' O'Hanlin said, ''That is the scenario that's very important.''

Further afield, the intelligence official who outlined the report said, America's allies in Europe and the North Atlantic Treaty Organization could be angered if the United States is seen to be walling itself off from its allies with an antimissile shield.

N. KOREA'S TEST PROGRAM FROZEN

The updated threat assessment notes that North Korea has frozen its program to test an intercontinental ballistic missile—the Taepo-Dong 2—since the administration proposed relaxing economic and diplomatic sanctions last year.

The missile still could be tested on short notice, the official said, and related tests of the system's electronics, pumps, tanks and other equipment are still going on.

CIA analysts, who warned last year that Iran may try to test an intercontinental ballistic missile by 2010, have detected little progress in Tehran's program. ''We're not seeing some of the things we expected,'' the official said. ''We're not seeing the threat advance.''

The White House requested the intelligence estimate as part of its decision-making review.

The analysis, to be delivered next month, presents two different scenarios of how other nations are likely to react to a U.S. deployment.

The first is based on the premise that Russia agrees to U.S. demands to amend the Anti-Ballistic Missile treaty of 1972 to allow a missile shield. The second assesses the effect if Russia refuses and Washington simply abandons the arms control process, as many Republicans have demanded.

At the moment, Russia and China are the only potential adversaries capable of hitting the United States with nuclear missiles. Russia has about 1,000 strategic missiles and 4,500 warheads.

The report pointedly declines to describe North Korea and other hostile states as ''rogue'' nations, since the argot suggests that their leaders are irrational.

''The term rogue state almost predisposes you in favor of'' the missile defense system, the intelligence official said.

Moreover, the report warns that the missile defense shield would not protect Americans against what the official called ''more accurate, more reliable and much cheaper'' ways of delivering chemical, biological or nuclear weapons. These include ship-launched missiles, suitcase bombs and other covert means.

''The joke here is, if you want to bring a nuclear weapon into the United States, just hide it in some drugs,'' the official said.

BIPARTISAN THINKERS LOOK PAST TRADITIONAL ARMS CONTROL

(By Carla Anne Robbins)

WASHINGTON—When President Clinton goes to Moscow next month, he will try to sell Russian President Vladimir Putin a new arms-control ''grand bargain.''

For years, the prospect of any agreement would have been greeted with cheers and sighs of relief. This deal, in which Washington trades somewhat deeper cuts in both sides' arsenals for Moscow's grudging acquiescence to a limited U.S. missile-defense program, is supposed to break a seven-year stalemate in nuclear-arms reductions.

But a decade after the Cold War's end, a group of American thinkers from both parties is raising a more radical idea: Traditional arms control simply might not work anymore.

With the world vastly changed, they are calling for the old rulebook to be jettisoned. In this bold new order, there would be deep, even unilateral cuts in U.S. nuclear forces. Russia, and perhaps China, would join the U.S. and Europe in building missile-defense systems. Finally, there would be a global campaign, championed by Washington and its allies, along with Moscow and Beijing, to control the spread of terror weapons.

Stephen Hadley, a top aide in the Bush Pentagon, says he can imagine a day when the U.S. and Russia simply ''advise'' each other of their nuclear plans. ''It's a perverse outcome of Cold War arms control [that] both sides have kept an inventory of strategic weapons far above what they need or want,'' he says. Jan M. Lodal, a former top official in the Clinton Pentagon, warns that the U.S. is ''making a huge diplomatic effort to preserve treaties that don't have any effect on the real problems'' of fighting proliferation.

It is hard to overstate what a sweeping change this would mean. For 30 years, mankind's survival was thought to rest on the successful negotiation and implementation of arms-control treaties. Only arms control could walk the world back from the nuclear brink.

So why would anyone dare to try a different way?

Consider some current problems:

The U.S. and Russia agreed in 1993 to slash their arsenals to 3,000 to 3,500 long-range weapons, but domestic and international wrangling has blocked the cuts. Even if Mr. Clinton and Mr. Putin make a deal, the GOP-led Senate is threatening to reject it, while the Pentagon is already planning a larger antimissile program. The next president will have to start renegotiating the grand bargain a few months after taking office.

The nuclear-driven India-Pakistan conflict is today's most dangerous clash. But since

neither country is recognized as a ''nuclear state'' under the nonproliferation treaty, the U.S. can't give them technology or know-how to help prevent accidental launches or wars of miscues.

Chemical weapons have been outlawed by an international treaty championed by the U.S. But the organization negotiated to monitor the ban has been hobbled by its members states' lowest-common-denominator restrictions. The country setting the lowest denominator? The U.S.

With such a grim record, there may be little choice but to start over. Nobody can be sure how well a new arms-control order would work. But here's how it might look:

Step one: The U.S. must begin, the new thinkers say, by shrinking its own arsenal to reflect a world where nuclear war with Russia is far less of a risk than the risk of Russia losing or selling off its weapons to rogue states or terrorists.

Moscow—which spent only about $5 billion on all its defenses last year, or less than 2% of the Pentagon's budget—already is calling for both sides to go down to 1,500 long-range weapons. U.S. military planners are insisting on keeping 2,000 to 2,500 weapons.

Mr. Lodal says the U.S. can cut back to 1,000 ''survivable'' weapons, mainly on hard-to-find submarines, and still deter all potentials enemies. For the sake of speed, he says the U.S. should make those cuts unilaterally and expect the Russians to follow suit. Future agreements with Russia would focus on ''transparency'' to calm suspicions of a secret buildup by either side.

There is a precedent of this ''arms control by example,'' In 1991, President Bush broke all of the rules, unilaterally taking all U.S. strategic bombers off alert and pulling all American short-range nuclear weapons out of Europe and Asia. A week later, Soviet leader Mikhail Gorbachev pulled all of his short-range nuclear weapons back to Russia and pledged to slash another 1,000 long-range weapons from the Soviet arsenal. The shocking moves and countermoves had analysts heralding a new ''arms race in reverse.''

Step two: The U.S. has to figure out how to build missile defenses without creating a permanent international crisis.

There are serious doubts about whether the technology is ready or the rogue-state threat imminent. Nevertheless, national missile defense may be a political inevitability.

The prohibition against building defenses, enshrined in the 1972 ABM treaty, is the most passionately held arms-control taboo. During the Cold War, stability was supposed to be based on mutual vulnerability to devastating nuclear retaliation.

That high-risk equation may no longer be necessary, says Barry Blechman, a longtime critic of President Reagan's Star Wars concept who now embraces the need for limited defenses. The threat today, he argues, comes from a few rogue states or terrorists, making defenses an easier technological problem to solve. But the challenge is still so daunting that it will be years before the U.S. can build anything that can defeat Russia's force.

''I've always been of the mind that deterrence is what you do if you can't defend.'' Mr. Blechman, chairman of the Stimson Center, a Washington international security think tank.

The biggest challenge may be to calm Russia's fears of a multbillion-dollar missile-defense race. Russia is unlikely to launch a major nuclear buildup. But a spurned Moscow could still make real trouble: slowing arms reductions, cutting off cooperative nuclear-security programs or even selling technology to foil missile defenses to North Koreas or Iraq. By pulling out of the ABM, and provoking a crisis with Russia, the U.S. would also seriously damage its already strained credibility as a crusader against global proliferation.

Mr. Hadley, who now advises the presidential campaign of Texas Gov. George W. Bush, but says his ideas are his alone, believes the best hope is to revive a Bush administration proposal to bring the Russians and perhaps the Chinese into a ''Global Protection System.''

The U.S., he says, could start by sharing early-warning data with Moscow. Russian and U.S. defense companies could collaborate on building and selling smaller theater missile-defense systems to countries that otherwise might be tempted to acquire their own missiles. Most ambitiously, the U.S., Russia and Europe could work together to develop a national missile-defense system that all could deploy.

The West would likely have to foot a good part of Russia's cost, while Moscow would have to implement far tougher technology-transfer controls. If China also wanted in, it ''would have to show a real commitment to the effort against proliferation that so far it hasn't shown,'' says Mr. Hadlen. Even then, China, which has about 20 long-range missiles capable of hitting the U.S., is almost certain to increase its nuclear forces to be sure of being able to overwhelm the U.S. system.

Some of the fiercest opponents to Mr. Hadley's plan could be members of his own party, who increasingly argue that the U.S. can ignore a weakened Russia's objections. And while Mr. Gorbachev once expressed interest, it isn't certain whether Russia's new leaders would want to join.

Step three: Really fight weapons proliferation.

Nuclear tests by India and Pakistan showed how few tools there are to punish countries determined to flout international treaties. The U.S. is still hoping to dissuade the two rivals from mating nuclear warheads to missiles. If that fails, it may have little choice but to rewrite or defy the nonproliferation treaty, providing both countries with the technology and know-how to prevent accidental wars.

''Arms-control treaties are only good when they reflect the underlying realities,'' Mr. Blechman says.

Ferreting out secret cheaters is even harder. Politics is part of the problem. To win Senate ratification of the Chemical Weapons Convention, the Clinton administration reserved the right to block challenge inspections on national security grounds and barred monitors from taking chemical samples abroad for analysis. Now ''other countries will have the ability to block the inspectors the same way,'' warns Amy Smithson of the Stimson Center. The Indian parliament is considering the Technology may be a bigger obstacle, especially when chemical and biological weapons can be cooked up in a garage or a bathroom.

So what to do? The new thinkers suggest the U.S. will have to move beyond treaties. It will need to enlist Russia and China, the biggest potential sources of illicit weapons, as well as its European allies, in a global antiproliferation campaign: Sharing intelligence, policing their defense industries and scientists, and joining in diplomatic initiatives to isolate offenders.

Sen. Richard Lugar, a longtime arms-control proponent, says that even with their weaknesses, these multilateral treaties can still provide useful ''norms'' for rallying international pressure or justifying unilateral punishments, as in the U.S. bombing of Iraq. ''It may be the only real sanction in the world is the U.S. armed forces,'' the Indiana Republican says.

Mrs. MYRICK. Mr. Speaker, I would like to inquire of the gentleman from Texas (Mr. FROST) if he has any more speakers.

Mr. FROST. Mr. Speaker, I respond that I reserve the final 2 minutes to close. There are no other speakers on the floor.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may assume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I would like to respond to some of the comments from the critics of the bill and from those of whom consistently vote against the defense bills that are brought to this House floor in a bipartisan basis. It always is difficult for me to try to understand the dimension of others of whom perhaps do not share my opinions, because I, for one, believe that part of the purpose of forming a government is to make sure that we protect the Nation's borders; that we protect our interests; that we protect those of whom sleep in peace and tranquility and domestically within the borders of our own country, so we take great pride in our police force, our firefighters, those who serve in the military, those of whom who put on the uniform and say they give an oath to lay down their life.

It was a Vietnam veteran that turned to me when I was a young cadet and said I want you to memorize this statement: those who serve their country on a distant battlefield see life in a dimension for which the protected may never know.

Those of whom may be the protected yet have never seen the horrors of a battlefield are very quick to become the critics of the defense industry, become critics of those of whom serve in the military, those of whom question a system of honor and of integrity, of character, of the essence of the nobility of life.

They say, well, we will be there when you need it; that is false. It takes the commitment of a Nation, weapons systems that we will use in the next war are not crafted and built based on the successes of the last. If we do that, it is a prescription for failure.

You design your weapons systems thinking far ahead; it is why when you go into battle that we want to place our men and women who serve in harm's way with the ability to overmatch, so we do not see the coffins coming back to Dover, Delaware.

That is why I enjoy it when the defense bill comes to the House floor, because it is one of the few bills that this body comes together as Democrats and Republicans.

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

Mr. BUYER. I yield to the gentleman from Indiana. Since I am a little hard on you, I yield to the gentleman.

Mr. KUCINICH. Mr. Speaker, I do not take from anything that the gentleman said that the gentleman would endorse fraud.

Mr. BUYER. Mr. Speaker, I will reclaim my time, that is a silly statement. No one in this body endorses

fraud, for crying out loud. I do not even know where that came from. What bothers me is it is easy to say, oh, well, the Pentagon, they spend this much on a weapons system, they spend that much on a part, these weapons systems are highly sophisticated and it takes awhile. They only make one or two parts. It is not making 10,000 parts.

Let me go back to my compliment, though, to the body. My compliment to the body is that we have many Members in here that have put on the uniform, and no one ever asked when we took that oath whether we were Republican or Democrat. So those of us who served in the authorizing committee and the appropriating committees who have the interest on national security keep that dimension.

Now, there will always be a critic of a bill for one particular reason or another. We have those of whom who are passivists. They should take pride in themselves, if they are a passivist, say they are a passivist. Do not just pick apart the bill for one reason or another. Expose your character. If they do not, I will be more than happy to.

Let me tell you something else that has bothered me when we take an individual who may be a critic of the defense industry or, in particular, of our defense. They are the same individuals of whom are seeking to socialize our military. So when they stand up here on the House floor and they talk about, well, we are having recruiting and retention problems in the military, and they give this long laundry list of what is wrong with the military, see they are the same ones who endorsed socialization policies of our military.

Socialization policies that, in fact, then begin to hurt the military. A sergeant at Fort Campbell, Kentucky, came up to me and says, Congressman, if the Army gets any more sensitive, it is going to cry. We have to stop and think what are we doing to the military.

Mr. Speaker, I have traveled around; and I have conducted a lot of hearings, being chairman of personnel. Well, many are quick to blame recruiting and retention problems on a good economy, easy access to other sources of college funding, reduced propensity to enlist, a shortage of quality recruits. My findings point to other issues that stress the military force. It is called lack of spare parts, lack of adequate training time, aging equipment and high depreciation rates on our equipment, socialization policies, longer working hours and prolonged family separation due to an increased operational tempo.

We also have a mismatch in the Clinton/Gore national security strategy between a foreign policy of engagement and enlargement at our national military strategy. When we take 265,000-plus troops and put them in 135 nations all around the world and then we begin to have them serve as quasidiplomats, we then have a workforce out there that begins to then have questioned the mission; it is called mission credibility. They say I do not mind being separated from my family, but to do this? And they say then, wait a second, what happened to the warrior. The warriors now have become the humanitarian.

They are outstretched all over the world as quasidiplomats on all of these humanitarian missions. Now, are some of them noble? Are some of them worthy? Yes. But we always have to be very careful about what happens when you take a warrior and we then turn him into a humanitarian. You dull the war-fighting skill. When you do that to a division, it takes us a year to retrain the division back to the war-fighting skill.

So as I listened to some of the comments of some of the Members, it is easy to pick apart the bill. I believe that this bill is going to receive a large bipartisan support.

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

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

Mr. DICKS. Mr. Speaker, I would say to the gentleman, I understand his criticisms and critique. We could give a critique on both sides of the aisle, but what the gentleman just said, I think, is the most important thing, and that is, we need to continue to maintain a bipartisan consensus in the House for national defense, for our troops, for taking care of the spare parts problems. I think it is good if we can try to work and build consensus behind national defense.

I hear some of the criticism on my side of the aisle, because they are worried about wastefulness. They are worried are we doing enough in terms of testing, national missile defense, have we done enough testing on the F–22. Frankly, as a member of the committee I am concerned about those issues myself.

I think we need to be careful as stewards of national security not to always believe everything we are told, I know the gentleman does not fall under this category, by the Pentagon is necessarily totally accurate. I mean, we have to go in and do a good job of oversight and looking at what has actually happened. And that is why I was impressed when the gentleman said he was going out and taking a look to see about spare parts.

By the way, our committee has added hundreds of millions of dollars over a sustained period of years on these issues during the Reagan buildup, during this buildup; but I hope we can try to have the rhetoric in a constructive tone, rather than in a tone that kind of gets us into a fight over this issue.

There still is a huge consensus in this Congress, at least 325 Members, who are strongly committed and it is very bipartisan. So I just wanted to make those points.

Mr. BUYER. Mr. Speaker, I reclaim my time. My compliments to the gentleman from Washington (Mr. DICKS). He has have devoted a great deal of his time in Congress to the issues of national security. The issues on spare parts, I think American people would be shocked to go out on the flight line and see that we are swapping out engines to put F–14s in the air.

If we told our parents that, you know, I am going to be a little bit late for Christmas dinner because I have to pull the Chevy engine out of the car and put it in any other car, they say what are you doing; that sounds ridiculous. With the spare part problem out there that we are actually swapping out engines to put planes in the air is a little stunning.

I want to compliment the gentleman, because he has worked very hard on our spare part problem and concern.

Mr. DICKS. Mr. Speaker, if the gentleman will continue to yield, this is a good bill. I see the gentleman from California here. I want to say to the gentleman, too, our subcommittee, it is a great subcommittee to be a Member of, there is never any partisan rhetoric to speak of; and we try to focus in on trying to do the best possible job with the resources we have to do the best for defense.

I think this year, for example, taking the money and accelerating the two brigades that will be part of the Army's effort to lighten up and be more mobile. That is a great decision on the part of the committee. I hope the Congress will endorse that, and I hope we can get the Senate to go along with it.

Mr. BUYER. Mr. Speaker, reclaiming my time, I think we are going to see the real compliment of the work product that came, not only out of the authorizing committee, but also the gentleman's work, this bill is going to pass in a huge bipartisan bill. I compliment the gentleman.

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

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

Mr. Speaker, this is a good bill. It will pass with a very significant bipartisan vote of both Democrats and Republicans.

☐ 1545

I would only like to underscore one point that I made earlier in the debate, and I would hope that the leadership on the other side of the aisle in this body will impress upon the leadership on their side of the aisle in the other body how important it is to move the defense supplemental for Kosovo and Bosnia right now. Because while there is significant money in this bill for 2001, our troops face a crisis in the fourth quarter for fiscal year 2000, beginning in about a month, because of the inability of this Congress to fund what has already happened in Bosnia and Kosovo, and because of the fact that this requires our military to take money away from training and to take money away from the vital things that need to be done right now in the remainder of this fiscal year.

So while it is laudable that we are going to pass by a significant bipartisan vote a good piece of legislation for the fiscal year that starts October 1, we need to move the money in the supplemental for the remainder of this fiscal year, or we are going to face a real crisis situation starting about August 1.

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

Mrs. MYRICK. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM) to close.

Mr. CUNNINGHAM. Mr. Speaker, I would like to reiterate what the gentleman from Texas (Mr. FROST) spoke about and the gentleman from Washington (Mr. DICKS). The supplemental is important. We have over 21 ships that are tied up to the pier that cannot go anywhere, and we are going below that 300-ship Navy. Yet, there are some people on that side of the aisle that would even cut defense in an emergency situation like this. I think that is wrong.

I would like to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Washington (Mr. DICKS) and the Subcommittee on Defense of the Committee on Appropriations. When I served on the authorizing body, it was the absolute best committee to serve on. There are no Republicans and no Democrats on that committee; they are all looking forward to helping the men and women in the services. Unfortunately, when we get to this floor, there are critics of those policies that want to cut for social spending. That is wrong. We put at risk our men and women in the services.

I would like to thank the gentleman from Texas (Mr. FROST) and the gentleman from Washington (Mr. DICKS) and the gentleman from Pennsylvania (Mr. MURTHA), the authorizers. This is a good rule. I thank especially the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense of the Committee on Appropriations, who has been tied up in another committee today.

Mr. Speaker, this is a good rule and a good bill. I thank my colleagues for supporting it. We need to get the other body in line with the supplemental.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. 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. 4576, and that I may include tabular and extraneous material in the RECORD.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 514 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. 4576.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Ohio (Mr. GILLMOR) to assume the chair temporarily.

□ 1550

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. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, with Mr. GILLMOR (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania (Mr. MURTHA) and I are pleased to bring before the Membership today the fiscal year 2001 appropriations bill for the Department of Defense. This bill, which received strong bipartisan support in our subcommittee and the Committee on Appropriations, passing through the committee with no amendments, continues the efforts of the Congress to ensure that our Nation's military is ready for the challenge of the 21st century. Those challenges are daunting as any we have faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

Mr. Chairman, let me say at the beginning of this that the foundation laid by our subcommittee is designed to make certain that America remains as the single superpower well into the next century. Indeed, the foundation laid in this committee's product is a direct result, first of all, of the work done by my colleague and my chairman, the gentleman from Florida (Mr. YOUNG) when he was chairman of this subcommittee, and now as full Committee chairman and before that, the foundation was further laid by the gentleman from Pennsylvania (Mr. MURTHA) when he was chairman of the committee. I must say, if we have a committee in the House in which both parties work better together, I do not know what committee that is. For indeed, this is a product of the work of our very fine staff working with the members of the committee on both sides of the aisle who recognize just how critical it is that America be ready for the 21st century.

Mr. Chairman, let me say that this bill in many ways is a very forward-leaning bill. Among other things, perhaps most important, we have taken seriously the efforts on the part of the new chief of the Army, General Eric Shinseki, to develop a vision and a transformation strategy that will take our Army into a posture that will cause it to be the Army we need well into 2020, 2025, 2050. Indeed, it is the Army, the men and women of our military, who make a critical difference in terms of America's strength.

So I am proud to say that the bill is designed to accelerate the efforts on the part of General Shinseki in building that vision for the future.

Mr. Chairman, we are approximately $1.2 billion above and beyond the budget request in connection with the Army's vision implementation. We have gone forward, rounding out the first interim brigade that Eric Shinseki is recommending, and we are fully funding as well a second brigade in support of his effort. We have included language that will require the Army to give us direct feedback so that we can monitor carefully the progress that is being made in their effort at Fort Lewis, Washington.

Let me say that as we look to the next century, the Members should know that we are hurdling into an age of warfare that will require heretofore unimaginable speed, complexity, and flexibility for our fighting machines and the men and women who design, build, and operate them. Imagine, if you will, a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores from the computer stations in the Pentagon.

This is no longer the stuff of science fiction. Our Armed Forces faced many of these challenges in their engagement in Kosovo, and it is indicative of the rapidly changing climate that the Congress and our military leaders must address for the real future.

Mr. Chairman, America, as I have suggested, is the country which will preserve freedom in the next century. This bill is designed to set the stage to be sure that we are ready for that. In connection with a fundamental piece of our direction, the bill includes over $40

billion for the kind of R&D that will make sure that the assets are available that are required to do that sort of research that assures America's strength.

I might mention 2 other areas in which the bill is making an effort to lean forward. I would point out the fact that most are aware today of the reality that we could face some serious challenges in our communications systems, especially the computer in the months and years and the decades ahead. We have begun within this bill by providing a $150 billion pool to begin to help us figure out what the questions are that need to be answered in the arena that we now describe as cyber war.

I might further mention that one of the elements that was more controversial in last year's bill relates to America's future efforts in terms of having the best available tactical fighters. This bill provides for the funding that was part of an agreement regarding the F–22 aircraft that took place last year. While the Air Force is going forward with the kind of testing that we feel is absolutely necessary to be sure that the F–22 is the airplane we hope it to be, we have laid the foundation with those commitments to testing while providing the funding, the full funding for 10 production aircraft that will keep them on a pathway to further tests of that aircraft.

Mr. Chairman, this is a very, very healthy appropriations bill that is some $19.5 billion beyond last year's appropriation. The total amount is $288.5 billion. Further, we should state for the RECORD that the bill is approximately $3.5 billion beyond the President's budget request. It is a bill that has broadly-based bipartisan support.

Mr. Chairman, we are pleased to bring before the membership today the Fiscal Year 2001 appropriations bill for the Department of Defense. This bill, which received near-unanimous bipartisan support in our subcommittee and the Appropriations Committee, continues the efforts of Congress to ensure that our nation's military is ready for the challenges of the 21st Century. Those challenges are as daunting as any we faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

The bipartisan path we follow today toward strengthening our nation's forces was forged by my chairman, BILL YOUNG, in his years as chairman of this subcommittee. Before that, the groundwork was being laid by our ranking member, Congressman JOHN MURTHA, when he chaired the subcommittee. Their wealth of knowledge and commitment to our military are precious assets to Congress. I would also like to commend the hard work of all of the members and staff of the Defense Subcommittee. This bill is truly a fruit of their combined labors.

The Appropriations Committee submits to you today a Fiscal Year 2001 Appropriations Bill for the Department of Defense that we believe will allow our armed forces to embark on a new millennium in military technology, deployment strategy and world view. It will allow us to demonstrate our commitment to our nation's defense by providing $288.5 billion in new budget authority.

We are hurtling into an age of warfare that will require heretofore unimaginable speed, complexity and flexibility for our fighting machines and the men and women who design, build and operate them. Imagine a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores form computer stations in the Pentagon.

This is no longer the stuff of science fiction films. Our armed forces faced many of these challenges in their engagement in Kosovo. And it is indicative of the rapidly changing climate the Congress and our military leaders must address for the real future.

The bill we bring before you today strongly supports the need for the most forward-looking technology in our aircraft, ships, ground weapons and missile defense. We must press forward in developing this technology, looking not to today but to 2020, 2050 and beyond.

The most crucial commitment we must address, however, is the one we make to the soldiers, sailors, airmen, and Marines who are the reason America is the remaining superpower, unrivaled in our ability to defend and support freedom anywhere in the world.

The members of the Defense Subcommittee believe we must show our unequivocal support for our military men and women by providing them with the best pay and benefits, best working conditions, and best living conditions possible. Every member of Congress should take time in the coming year to visit military installations and experience the inspiring morale and commitment of our troops.

What you will find is an enthusiasm and level of technical expertise that would be the envy of our nation's business leaders. We are depending on these young men and women to operate some of the most sophisticated machinery and complicated battle plans in the world. When they receive adequate training and support, they rise to that challenge.

But you will also see a desperate need for barracks renovation and improved maintenance at our military installations. You will hear of a disturbing lack of spare parts, that combined with a high operating tempo has left much of our advanced equipment on the tarmac or in repair facilities indefinitely.

In spite of these shortfalls, we can still count on our men and women in uniform to dedicate themselves to protecting their nation. We must dedicate ourselves to providing the support they need to do that well.

To address the needs of our troops, the bill provides $2 billion more than in FY 2000 for active and reserve personnel pay and benefits. We fully fund a pay raise for the troops. We add $250 million to the budget request for enlistment bonuses, housing allowances and other personnel investments. We have also increased funding for military health care and medical research by $988 million over last year. A portion of these funds will implement the plan approved by the House in the authorization process to improve access to health care for service members, their dependents and the retired medical community.

Operation and maintenance accounts receive $1.2 billion more than requested by the administration. This will continue help us tackle the critical shortages in facilities maintenance, field-level equipment maintenance and logistical support and spare parts. It also funds such basic needs as cold-weather clothing, body amor and shipboard living needs for sailors.

While this spending bill provides numerous incentives for our military leaders to reach toward the future, I would like to highlight two areas that we believe are particularly urgent.

The first is the Army Transformation, a much-needed overhaul of our basic ground forces. The subcommittee members enthusiastically support the Army Chief of Staff, General Ric Shinseki, in his vision to create new Army brigades, and eventually divisions, which he believes will be able to place a very strong, mobile force into a battle situation within 96 hours. The Chief has proposed to jumpstart this process by standing up, in fiscal year 2001, two new medium combat brigades. Our spending bill would fully fund those brigades. And we strongly urge the Army to reform its internal structure to revitalize and modernize procurement processes. We must put an end to weapons systems that take 30 years to develop.

The other forward-looking element of the bill is a $150 million addition over the budget for what are popularly known as ''cyber-war'' systems. The recent international outbreak of the Love Bug virus is only the latest danger signal that anyone anywhere in the world is capable of compromising our computer systems. The military must be on the cutting edge of information technology and its uses, but we must also recognize that the growing use of this technology brings potential vulnerabilities.

Finally, I would like to briefly address a subject many of you will remember from last year: Our tactical fighter program and the F–22. This year, we have funded the first 10 production models of this fighter, which has the potential to be one of our most fabulous assets. But our bill continues the requirement that critical Block 3.0 avionics software be tested in the aircraft before production begins, and also requires a report of the adequacy of testing overall.

In conclusion, I believe this spending bill commits Congress to providing the support our military leaders need to defend our nation, and defend freedom around the world. This commitment must be continued and increased in future years, for while ensuring peace is expensive, the alternative is war, whose costs are unimaginable.

At this point I would like to insert for the RECORD a brief summary of the funding recommendations in this bill.

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	22,006,361	22,198,457	22,242,457	+236,096	+44,000
Military Personnel, Navy	17,258,823	17,742,897	17,799,297	+540,474	+56,400
Military Personnel, Marine Corps	6,555,403	6,822,300	6,818,300	+262,897	-4,000
Military Personnel, Air Force	17,861,803	18,282,834	18,238,234	+376,431	-44,600
Reserve Personnel, Army	2,289,996	2,433,880	2,463,320	+173,324	+29,440
Reserve Personnel, Navy	1,473,388	1,528,385	1,566,095	+92,707	+37,710
Reserve Personnel, Marine Corps	412,650	436,386	440,886	+28,236	+4,500
Reserve Personnel, Air Force	892,594	981,710	980,610	+88,016	-1,100
National Guard Personnel, Army	3,610,479	3,747,636	3,719,336	+108,857	-28,300
National Guard Personnel, Air Force	1,533,196	1,627,181	1,635,681	+102,485	+8,500
Total, title I, Military Personnel	73,894,693	75,801,666	75,904,216	+2,009,523	+102,550
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	19,256,152	19,073,731	19,386,843	+130,691	+313,112
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Navy	22,958,784	23,250,154	23,426,830	+468,046	+176,676
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Marine Corps	2,808,354	2,705,658	2,813,091	+4,737	+107,433
Operation and Maintenance, Air Force 2/	20,896,959	22,296,977	22,316,797	+1,419,838	+19,820
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Defense-Wide	11,489,483	11,920,069	11,803,743	+314,260	-116,326
Operation and Maintenance, Army Reserve	1,469,176	1,521,418	1,596,418	+127,242	+75,000
Operation and Maintenance, Navy Reserve	958,978	960,946	992,646	+33,668	+31,700
Operation and Maintenance, Marine Corps Reserve	138,911	133,959	145,959	+7,048	+12,000
Operation and Maintenance, Air Force Reserve	1,782,591	1,885,859	1,921,659	+139,068	+35,800
Operation and Maintenance, Army National Guard	3,161,378	3,182,335	3,263,235	+101,857	+80,900
Operation and Maintenance, Air National Guard	3,241,138	3,446,375	3,480,375	+239,237	+34,000
Overseas Contingency Operations Transfer Fund	1,722,600	4,100,577	4,100,577	+2,377,977	.....
United States Court of Appeals for the Armed Forces	7,621	8,574	8,574	+953	.....
Environmental Restoration, Army	378,170	389,932	389,932	+11,762	.....
Environmental Restoration, Navy	284,000	294,038	294,038	+10,038	.....
Environmental Restoration, Air Force	376,800	376,300	376,300	-500	.....
Environmental Restoration, Defense-Wide	25,370	23,412	23,412	-1,958	.....
Environmental Restoration, Formerly Used Defense Sites	239,214	186,499	196,499	-42,715	+10,000
Overseas Humanitarian, Disaster, and Civic Aid	55,800	64,900	56,900	+1,100	-8,000
Former Soviet Union Threat Reduction	460,500	458,400	433,400	-27,100	-25,000
Pentagon Renovation Transfer Fund	222,800	.....	.....	-222,800	.....
Quality of Life Enhancements, Defense	300,000	.....	480,000	+180,000	+480,000
Total, title II, Operation and maintenance	92,234,779	96,280,113	97,507,228	+5,272,449	+1,227,115
(By transfer)	(150,000)	(150,000)	(150,000)	.....	.....
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	1,451,688	1,323,262	1,547,082	+95,394	+223,820
Missile Procurement, Army	1,322,305	1,295,728	1,240,347	-81,958	-55,381
Procurement of Weapons and Tracked Combat Vehicles, Army	1,586,490	1,874,638	2,634,786	+1,048,296	+760,148
Procurement of Ammunition, Army	1,204,120	1,131,323	1,227,386	+23,266	+96,063
Other Procurement, Army	3,738,934	3,795,870	4,254,564	+515,630	+458,694
Aircraft Procurement, Navy	8,662,655	7,963,858	8,179,564	-483,091	+215,706
Weapons Procurement, Navy	1,383,413	1,434,250	1,372,112	-11,301	-62,138
Procurement of Ammunition, Navy and Marine Corps	525,200	429,649	491,749	-33,451	+62,100
Shipbuilding and Conversion, Navy	7,053,454	12,296,919	12,266,919	+5,213,465	-30,000
Other Procurement, Navy	4,320,238	3,334,611	3,433,063	-887,175	+98,452
Procurement, Marine Corps	1,300,920	1,171,935	1,229,605	-71,315	+57,670
Aircraft Procurement, Air Force	8,228,630	9,539,602	10,064,032	+1,835,402	+524,430
Procurement of Ammunition, Air Force	442,537	638,808	638,808	+196,271	.....
Missile Procurement, Air Force	2,211,407	3,061,715	2,893,529	+682,122	-168,186
Other Procurement, Air Force	7,146,157	7,699,127	7,778,997	+632,840	+79,870
Procurement, Defense-Wide	2,249,566	2,275,308	2,303,136	+53,570	+27,828
National Guard and Reserve Equipment	150,000	.....	.....	-150,000	.....
Defense Production Act Purchases	3,000	.....	3,000	.....	+3,000
Total, title III, Procurement	52,980,714	59,266,603	61,558,679	+8,577,965	+2,292,076
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	5,266,601	5,260,346	6,025,057	+758,456	+764,711
Research, Development, Test and Evaluation, Navy	9,110,326	8,476,677	9,222,927	+112,601	+746,250
Research, Development, Test and Evaluation, Air Force	13,674,537	13,685,576	13,760,689	+86,152	+75,113
Research, Development, Test and Evaluation, Defense-Wide	9,256,705	10,238,242	10,918,997	+1,662,292	+680,755
Developmental Test and Evaluation, Defense	265,957	.....	.....	-265,957	.....
Operational Test and Evaluation, Defense	31,434	201,560	242,560	+211,126	+41,000
Total, title IV, Research, Development, Test and Evaluation	37,605,560	37,862,401	40,170,230	+2,564,670	+2,307,829

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	90,344	916,276	916,276	+825,932	
National Defense Sealift Fund:					
Ready Reserve Force	257,000	258,000	270,500	+13,500	+12,500
Acquisition	460,200	130,158	130,158	-330,042	
Total	717,200	388,158	400,658	-316,542	+12,500
Total, title V, Revolving and Management Funds	807,544	1,304,434	1,316,934	+509,390	+12,500
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	10,522,647	11,244,543	11,525,143	+1,002,496	+280,600
Procurement	356,970	290,006	290,006	-66,964	
Research and development	275,000	65,880	327,880	+52,880	+262,000
Total, Defense Health Program	11,154,617	11,600,429	12,143,029	+988,412	+542,600
Chemical Agents & Munitions Destruction, Army: 1/					
Operation and maintenance	543,500	607,200	607,200	+63,700	
Procurement	191,500	121,900	105,700	-85,800	-16,200
Research, development, test, and evaluation	294,000	274,400	214,200	-79,800	-60,200
Total, Chemical Agents	1,029,000	1,003,500	927,100	-101,900	-76,400
Drug Interdiction and Counter-Drug Activities, Defense	847,800	836,300	812,200	-35,600	-24,100
Office of the Inspector General	137,544	147,545	147,545	+10,001	
Total, title VI, Other Department of Defense Programs	13,168,961	13,587,774	14,029,874	+860,913	+442,100
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	209,100	216,000	216,000	+6,900	
Intelligence Community Management Account	158,015	137,631	224,181	+66,166	+86,550
Transfer to Dept of Justice	(27,000)	(27,000)	(33,100)	(+6,100)	(+6,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	35,000	25,000	25,000	-10,000	
National Security Education Trust Fund	8,000	6,950	6,950	-1,050	
Total, title VII, Related agencies	410,115	385,581	472,131	+62,016	+86,550
TITLE VIII					
GENERAL PROVISIONS					
Ship Transfers (FY99 with FY2000 carryover)	-170,000			+170,000	
Additional transfer authority (Sec. 8005)	(1,600,000)	(2,000,000)	(2,000,000)	(+400,000)	
Indian Financing Act incentives (Sec. 8022)	8,000		8,000		+8,000
Disposal & lease of DOD real property (Sec. 8037)	32,200	24,000	24,000	-8,200	
Overseas Military Fac Investment Recovery (Sec. 8040)	4,300	3,000	3,000	-1,300	
Rescissions (Sec. 8054)	-350,180		-690,492	-340,312	-690,492
FY 1999 Economic Adjustment (rescission)	-452,100			+452,100	
Women in Service for America Memorial	5,000			-5,000	
Civilian personnel under execution	-123,200			+123,200	
Foreign Currency Rev Economic Assumptions (Sec. 8092)	-171,000		-537,600	-366,600	-537,600
A-76 Studies	-100,000			+100,000	
WMD consequence management	35,000			-35,000	
Travel Cards (Sec. 8098)	5,000	5,000	5,000		
Recovery of DoD admin expenses from FMS	-87,000			+87,000	
Advance pay appropriation	-1,838,426			+1,838,426	
Transfer to Department of Transportation	(5,000)			(-5,000)	
Aircraft leasing	19,000			-19,000	
Munitions/Readiness	-100,000			+100,000	
Red Cross	5,000			-5,000	
United Service Organizations	5,000			-5,000	
F-22 Program Transfer Account	1,000,000			-1,000,000	
F-22 Program Termination Liability	300,000			-300,000	
Performance Based Academic Model (Sec. 8104)	5,500		5,000	-500	+5,000
Seattle Conveyance	1,000			-1,000	
Eisenhower Memorial Commission	300			-300	
Rome Labs	13,000			-13,000	
Aviation Support Facility	10,000			-10,000	
Depot Maintenance	-400,000			+400,000	
Spares	-550,000			+550,000	
Base Operations	-100,000			+100,000	
Munitions	-356,400			+356,400	
O&M general reduction	-7,200,000			+7,200,000	
O&M contingent emergency	7,200,000			-7,200,000	
Working Capital Fund Cash Balances (Sec. 8085)			-800,000	-800,000	-800,000
Foreign Currency Cash Balance Stabilization(Sec. 8109)			-463,400	-463,400	-463,400
Total, title VIII	-3,350,006	32,000	-2,446,492	+903,514	-2,478,492
Grand total	267,752,360	284,520,572	288,512,800	+20,760,440	+3,992,228

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
OTHER APPROPRIATIONS					
Waiver of certain sanctions against India and Pakistan	43,000			-43,000	
P.L. 106-113:					
Title II - O&M, Army	100,000			-100,000	
Title VI - 1994 Friendly Fire Settlement	2,000			-2,000	
Title III - Across the board cut (0.38%)	-1,028,000			+1,028,000	
Total, other appropriations	-883,000			+883,000	
Adjusted total (incl other appropriations)	266,869,360	284,520,572	288,512,800	+21,643,440	+3,992,228
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Adjustment for unapprop'd balance transfer (Stockpile)	150,000	150,000	150,000		
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000		
Spectrum	-2,600,000			+2,600,000	
Subtotal	-2,600,000			+2,600,000	
Advance pay appropriation (P.L. 106-31)	1,838,426			-1,838,426	
Total adjustments	-761,574			+761,574	
Adjusted total (incl scorekeeping adjustments)	266,107,786	284,520,572	288,512,800	+22,405,014	+3,992,228
RECAPITULATION					
Title I - Military Personnel	73,894,693	75,801,666	75,904,216	+2,009,523	+102,550
Title II - Operation and Maintenance	92,234,779	96,280,113	97,507,228	+5,272,449	+1,227,115
(By transfer)	(150,000)	(150,000)	(150,000)		
Title III - Procurement	52,980,714	59,266,603	61,558,679	+8,577,965	+2,292,076
Title IV - Research, Development, Test and Evaluation	37,605,560	37,862,401	40,170,230	+2,564,670	+2,307,829
Title V - Revolving and Management Funds	807,544	1,304,434	1,316,934	+509,390	+12,500
Title VI - Other Department of Defense Programs	13,168,961	13,587,774	14,029,874	+860,913	+442,100
Title VII - Related agencies	410,115	385,581	472,131	+62,016	+86,550
Title VIII - General provisions	-3,350,006	32,000	-2,446,492	+903,514	-2,478,492
Total, Department of Defense (in this bill)	267,752,360	284,520,572	288,512,800	+20,760,440	+3,992,228
Funds provided in Supplemental Acts	1,838,426			-1,838,426	
Other appropriations	-883,000			+883,000	
Total DoD funding available	268,707,786	284,520,572	288,512,800	+19,805,014	+3,992,228
Other scorekeeping adjustments	-2,600,000			+2,600,000	
Total mandatory and discretionary	266,107,786	284,520,572	288,512,800	+22,405,014	+3,992,228
RECAP BY FUNCTION					
Mandatory	209,100	216,000	216,000	+6,900	
Discretionary:					
General purpose discretionary:					
Defense discretionary	265,898,686	284,304,572	288,296,800	+22,398,114	+3,992,228
Nondefense discretionary					
Total discretionary	265,898,686	284,304,572	288,296,800	+22,398,114	+3,992,228
Grand total, mandatory and discretionary	266,107,786	284,520,572	288,512,800	+22,405,014	+3,992,228

1/ Included in Budget under Procurement title.

2/ O&M, AF request reduced by $300,000 by a technical correction budget amendment (H. Doc. 106-222).

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

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Chairman, everyone in this House knows that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) are pros. They understand this defense budget, they know their stuff, and they know it in detail. They are truly legislative craftsmen.

However, I want to get some things off my chest, nonetheless, about this bill and the context in which it is being presented. The President presented to the Congress a defense bill which had a hefty $16 billion, 6 percent increase. It contained the President's recommendation for a military pay raise, it made sure that we hit the $60 billion target for procurement, and it was presented to the Congress in the context of other administration initiatives to also make needed investments in education, in health care, in science, and in environmental cleanup across the board.

□ 1600

This bill comes to us in a quite different context. This bill raises the President's request for the military budget by $4 billion, and it does so at the same time that it requires that we cut over the next 5 years $125 billion out of domestic programs for education, health care, and the like. It also does so in the context of the majority party insistence that we pass, in piecemeal fashion, tax cuts largely aimed at the wealthiest people in our society, which will total over $700 billion over that same time period.

We cannot do all of those things and meet the obligations we have to this society. We are not going to be able to eliminate the debt that everyone promises we are going to eliminate if the majority party insists on tax cuts of those magnitude, especially aimed where they aim them. If they do insist on those tax cuts, then something else has to give, in my opinion.

I want to simply point out one thing about this bill. This chart demonstrates what we spend versus what everybody else in the world spends on defense. We are now spending $266 billion, represented by that blue bar. NATO is spending $227 billion. The last time I looked, they were on our side.

If we take a look at what ''they'' spend, our potential main opponents, Russia is spending $54 billion; China, $37 billion; Iran, $6 billion; North Korea, $2 billion; Libya, $1 billion. That is not the picture of a country in trouble in terms of defense preparedness.

Despite these gross differences, I would be willing to support this bill if it were presented in a balanced context, if it were not presented at the same time that the majority party is asking us to provide billions of dollars in excessive tax cuts, and in the context of what is happening on the other side of the budget, where we are forcing a huge squeeze on education, on health care, on job training and the rest.

In that context, I do not believe this bill makes sufficiently tough choices in a number of areas, most especially with respect to the aircraft choices being made by the Pentagon.

I have in the committee report listed my concerns, most especially my concerns about the F–22. We have been given three separate caution flags by agencies that we ought to pay attention to: the Pentagon's director of Operational Testing and Evaluations, the committee's own Surveys and Investigation staff, and the General Accounting Office, which said we should be producing no more than six of those aircraft, instead of the expanded number in the bill.

I think that is just one example of the choices which this Congress is not making that it should be making if it is going to impose much deeper reductions and a much tighter squeeze on the rest of the budget. So if Members want my vote for a bill like this, they have to bring it to the floor in the context of a better balance between what we are doing to deal with our education problems, our health care problems, our national security problems, and most especially what we are doing on the tax side of the aisle.

We could afford the tax cuts we are talking about if we were not trying to fund increases like this, maybe. But we certainly cannot afford them both. It is about time this Congress makes some of the tough choices in this bill that it is making in other bills, or else recognize that there is no room in the budget for the excess of tax cuts that we are bringing to the floor piece by piece.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank my distinguished colleague for yielding me this time.

Mr. Chairman, I want to rise in strong support of this bill. This is a good bill. The subcommittee has worked really hard to fashion a bill that meets the needs as best they could with the funding available to them.

I would like to compliment and congratulate the subcommittee chairman, the gentleman from California (Mr. LEWIS), who has done such a magnificent job as chairman of the subcommittee, and his partner and our very dear friend, the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, who in his turn served as chairman of the subcommittee. They have done a good job.

I rise today to discuss an important role that Congress plays in the whole business of national defense. I have reviewed the Constitution today, as I do periodically. Article 1, Section 8 of the Constitution, which provides the authorities and responsibilities of the Congress, talks about providing for the common defense.

It also says that Congress ''has the authority to raise and support the armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces.''

I take that responsibility very seriously, as I know my colleagues in the House do, Mr. Chairman. But we have more of a responsibility than just sending troops into combat or declaring war. We have more of an obligation to those who serve in the military of our country not only to give them the best training that is second to none, the best equipment that we hope will be second to none, but we also have an obligation to house them, to clothe them, to feed them, to provide their health care, not only to those who serve in the uniform, but also their families.

I want to rise today, and I appreciate the gentleman yielding the time to me, to discuss some issues that are in my opinion very important as they relate to military health care.

As many of my colleagues know, during my long tenure as a Member of the Subcommittee on Defense of the Committee on Appropriations, and 5 years ago became its chairman, I was totally committed and an outspoken advocate for our military families and their health care.

Today, as chairman of the full committee, I continue that commitment, because it is essential. It is an obligation that we have as Members of Congress to care for these troops and their families. That includes proper medical care.

That support is evident by the fact that since fiscal year 1996, the Committee on Appropriations has recommended and Congress has approved $66 billion for the defense health program. That is an amount that is $3.5 billion more than the President requested for military health care for that same period. Of that $3.5 billion increase, about $2.5 billion was provided for urgent requirements of the Department of Defense.

In other words, the Department's budgets for military health were grossly insufficient when they arrived in the Congress. If Congress had not provided these additional funds, the health care of military families and military retirees would have been severely affected.

To give an idea of how much was needed year by year for the last few years, let me add this. In fiscal year 1997, Congress added $475 million over the President's budget for military health care. In 1998, we added another $274 million as a budget amendment. In fiscal year 1999, we added $200 million over the President's budget in our supplemental. In the supplemental for this year, 2000, we added $1.6 billion. That provision is now in conference. Hopefully we will respond to that quickly.

Needless to say, this support for military medicine and quality care continues under the outstanding leadership of the chairman, the gentleman from California (Mr. LEWIS), and the gentleman from Pennsylvania (Mr. MURTHA). This bill today appropriates over half a billion dollars more than the administration requested for military medicine.

I raise the issue because it is important to understand that besides just preparing them for wars and battles, that it is our responsibility to provide health care for those who serve in our military, whether it is at time of war, time of battle, or whether there are injuries in training. Whatever it might be, it is our responsibility. We provide for the hospitals and the clinics and the doctors and the nurses and the corpsmen and the specialists, all who serve our military men, women, and their families.

I have been concerned about these extra monies that we have had to increase, but we have done it. I am just not satisfied that all of those monies are being used effectively. To the contrary, I think maybe there is too much bureaucracy. Maybe there is too much administrative staffing. There is something wrong, because my office and the office of the Committee on Appropriations have received numerous complaints.

In one of our military hospitals today, as we sit here in this Chamber, lies a retired Marine colonel who received the Medal of Honor in Vietnam, a real hero. He had a serious operation a few days ago, and he laid in pain in his bed for almost a whole day when the pain machine that he was given did not work. These are machines that allows the patient to push a button and a measured amount of painkiller then will enter the body and help ease the pain. For nearly a day, after request after request, that Marine colonel, Medal of Honor recipient, laid in pain. That is just not right.

Another case, a young soldier was shot during a training exercise. He was moved to one of our military hospitals. Early one morning he had stabbing pains with every breath that he took. Orders were given to do CAT scans or x-rays to find out what was causing this problem, but it was a Sunday, and the tests that were ordered Sunday morning had not been done even as late as late Sunday night. But thank God for the intervention of a doctor outside of that particular institution who went to that hospital and insisted that the test be done.

Those tests resulted in the discovery that this young Marine had two pulmonary embolisms, either one of which could have broken loose at a moment's notice and killed him. That is not right. Something needs to be done.

I had planned to offer an amendment today that would have dealt with this issue very, very effectively, but I have been in contact with a member of our Defense Department for whom I have tremendous respect and we have discussed this issue at length. He has promised that he will do everything that he possibly can to correct these situations wherever they might be.

So I am not going to offer that amendment today, but I will reserve that amendment for a future date if necessary. Again, I want to remind my colleagues, it is our obligation. We are responsible under the Constitution for the men and women who serve in our uniform, and their health care is just part of it. We provide for the hospitals, we provide for the staff. It is our obligation. If we see something that is not working properly, it is our obligation to fix it. I make that commitment to my colleagues today, that I will be there on the front line to fix these problems wherever I find them.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the chairman of the committee and I have discussed this whole subject area very extensively. The gentleman has brought to my personal attention some of the serious difficulties that actually exist out there in this hospital system.

I want the chairman to know that our subcommittee is committed, following the time we get through with the conference, to bring our committee together to have public hearings regarding this matter, and to bring in the authorizers as well, to make sure that we get at the bottom of the very questions that are being raised. It is not going to be taken lightly by this subcommittee.

Mr. YOUNG of Florida. I thank the chairman for that, Mr. Chairman, and I appreciate that commitment.

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

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I would like to bring to the subcommittee chairman's attention the Next Generation Small Loader program included in the bill. The bill cuts funding for the NGSL program by $12.6 million. The United States Air Force estimates the number of loaders for FY 2001 would be reduced by 60 percent.

I am concerned that the committee's adjustment was based on information that was outdated and incomplete. Considering that the current materials-handling fleet, which this new loader will supplement, is short by more than 100 units from the authorized number, and considering that more than half of the existing loaders are outdated and ready for retirement, I believe it is imperative that any adjustments made to this program be based on the latest and best information available.

Mr. Chairman, would the chairman be willing to review this program again going into conference, and if the facts merit, work to restore funding as appropriate for this important program?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WICKER. I yield to the gentleman from California.

Mr. LEWIS of California. I would be happy to revisit this matter going into conference to ensure that the committee has all available information to make the best possible judgment on the appropriate funding level for this program.

Mr. WICKER. I thank the distinguished subcommittee chair.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY) for a colloquy.

Mr. RILEY. Mr. Chairman, as a member of the Committee on Armed Services, I know how difficult the task was this year, given the amount of the President's request and the magnitude of the unfunded requirements list the service chiefs presented to us earlier this year. Many difficult choices have been made, and I appreciate very much the chairman's willingness to take the time today to address an issue here that is critical to our military readiness and important to the citizens of my district.

This year the authorizing committee, both authorizing committees, included $50 million in additional funds for the M–113 upgrades, while no additional funds were included in either appropriation bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman from Alabama (Mr. RILEY), as one of the Members concerned with these things in the Committee on Armed Services, I know the gentleman from Alabama does understand how difficult this process has been.

□ 1615

We have worked hard to address the Chiefs' requirements, given current budget restraints. I appreciate the gentleman's particular concerns about this funding shortfall and the impact it will have on his constituents who work on the M113.

Mr. RILEY. Mr. Chairman, recognizing that there could be job losses next year if the current funding level in this bill is enacted, I ask the gentleman if he will agree to bring this issue up in conference.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would continue to yield, I am happy he brought this funding matter to our attention. We definitely will be discussing it in conference, and I look forward to continuing to work with the gentleman.

Mr. LEWIS of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, as the gentleman from California (Mr. LEWIS) knows, I think this is an excellent bill that he has brought to the floor today, but there are three issues that I hope might receive additional attention in the context of conference.

First, the sole domestic manufacturer of sonar domes has been working on an advanced submarine sonar dome that will result in a less expensive, more capable system. This is a program of great importance to the Navy and the Nation and was authorized by the House this year at $2 million.

Second, I remain concerned that the training requirements of the Army National Guard did not receive adequate consideration in the President's budget request. A critical training device known as A–FIST XXI, which is the Guard's number one unfunded training system requirement and which the House authorized at $9 million this year, did not receive funding.

Finally, I would note my interest in the S–3B Surveillance System Upgrade program which has been funded by Congress in the past and was authorized by the House this year at $12 million. SSU has leveraged existing technologies to yield highly successful tactical exercises that have drawn the praise of fleet commanders.

Mr. Chairman, I would certainly appreciate the assurance of the gentleman from California (Mr. LEWIS) that the committee will look at these programs carefully in the context of conference to consider whether additional attention and funding may be in order.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me say to the gentlewoman, I cannot express deeply enough how strongly I appreciate her work with us by way of her participation on the authorizing committee. I am certainly happy to give her my assurance that we will look at these programs carefully as we go to conference.

Mr. KUYKENDALL. Mr. Chairman, I rise today to express my support for H.R. 4576, the Defense Appropriations Act for Fiscal Year 2001. This bill is a fair and balanced approach to address the military's many legitimate needs with the limited funds available. I especially appreciate the efforts to address healthcare issues facing both our active duty and retired veterans. It is essential for our servicemen and women to have quality, accessible and affordable health care. Given the current economic prosperity in America, sustaining an all-voluntary military force has been challenging. Add to that a disgruntled population of retired veterans, many who have been an important part of our recruiting effort in the past, and sustaining appropriate personnel levels becomes nearly impossible. The House Armed Services Committee (HASC) recently began the process of addressing these difficult issues, in spite of the enormous costs associated with these problems. The Defense Appropriations Subcommittee had the difficult task of fulfilling the HASC's commitment by finding the budgetary resources.

Another critical issue that we continue to focus on is modernization of our military equipment. Modernization is difficult enough when the only question is replacing old equipment with similar new equipment. However, advances in technology and manufacturing are causing everyone in defense to revisit how we perform R&D and procurement in a manner that keeps pace with the advances in technology and ensures timely fielding and upgrading of equipment. As always, we must provide our soldiers, sailors, airmen, and marines with modern equipment, ensuring that they continue to succeed on today's battlefield. I applaud the leadership you have provided as this committee determines funding levels needed to shape and define our future armed forces.

While I fully support the objectives and provisions of this bill, I am disappointed in the committee's recommendation to terminate the Discoverer II program. I appreciate the expense involved to field a complete constellation of satellites. However, I believe the decision to terminate this program may be premature. The benefits of tracking ground movements from a satellite-based system are undeniable. For example, during the Kosovo operation, weather impeded or canceled many scheduled aircraft sorties, including those aircraft necessary to gather aerial intelligence. Receiving intelligence data from a space-based asset that can provide coverage 24 hours a day, unconstrained by weather or political boundaries will be beneficial to warfighters and their planners, avoiding many of the problems we encountered in Kosovo. Advances in technology enable us to capture vast amounts of intelligence data—so much so that the infrastructure required to disseminate this increased amount of data has not kept pace. Fixing this processing problem at the expense of denying future intelligence gathering capabilities is not the answer. While I understand the committee's desire to ensure the viability of all our intelligence gathering and disseminating systems, I would urge it to keep available all options concerning future requirements and systems, like Discoverer II, that might fulfill those requirements.

Thank you, Mr. Chairman, and I urge my colleagues to support America's military by voting to support this bill.

Mr. HAYES. Mr. Chairman, for almost a decade now, this nation's defense budgets have continued to fall victim to the Clinton administration's cutting ax. We have gone from a budget in 1992 that exceeded $300 billion to a budget that in the mid-90's fell perilously low. This year, thanks to the vigilance of the Defense Appropriations chairman and his subcommittee, Congress will reverse the downward and misguided trend in our nation's defense spending. I applaud the chairman for his leadership and support his call to renew our commitment to the men and women who selflessly serve in the defense of our country.

One of the things I didn't fully realize before coming to Congress is the true crisis in readiness that has taken shape in our military. When you look at the big picture, the problem is easy to understand: Over the last 10 years, our service branches have been forced into far more missions while receiving less and less dollars. Consider this:

In the last 10 years, we have more than doubled our number of deployments.

From 1950–1990 the United States deployed its troops 10 times.

However, since 1990, we have deployed our troops over 30 times.

We have been doing this with shrinking forces.

In 1990 the U.S. military had 18 Army divisions, 546 Navy battle force ships and 36 fighter wings.

Today, we have only 10 Army divisions, 346 Navy battle force ships and 20 fighter wings.

That isn't surprising given the fact that our national investment in our Armed Forces went down sharply.

From 1986–1997, defense spending declined by $150 billion.

This isn't right. Without true national security, we can't move forward and work for a stronger economy, better education or higher quality health care. If we continue to deprive the men and women who defend our country of the assets and resources they need to do their job, we will all ultimately pay the price.

This year's defense appropriations bill continues the good work we began last year in what was called ''the year of the troops.'' I look forward to returning to my district and telling the young soldiers and airmen at Ft. Bragg and Pope Air Force Base that our work last year was no fluke. That we are resolved to strengthen once again our Armed Forces and this year's appropriations represents another important step to ensure our men and women in uniform have the resources they need.

I urge my colleagues not to forget a profound statement of President Calvin Coolidge, ''The nation which forgets its defenders will be itself forgotten.''

Mr. STARK. Mr. Chairman, I adamantly oppose H.R. 4576, the Defense Appropriations bill for Fiscal Year 2001. This bill spends $288.5 billion for defense programs. However, this amount does not include the $8.6 billion already passed by the House in the Military Construction Appropriations bill (H.R. 4425), nor does it include the $13 billion expected to be allocated for defense needs in the upcoming Energy and Water Appropriations bill. The three measures provide $310 billion on defense needs alone. Monday, the Washington Post reported that the Joint Chiefs of Staff are preparing to request increases in military spending of more than $30 billion per year over the next 10 years starting in FY 2002. The U.S. Congress must not yield to the whims of the Joint Chiefs and the demands of military contractors when the American people have real needs that Government can provide.

This is the wrong time to throw money at pork-barrel defense projects such as the national missile defense (NMD) system and the F–22 program. The U.S. is experiencing unprecedented economic growth and the federal budget is balanced. Now is the time that we should provide health insurance for the eleven million children without it, provide a Medicare prescription drug benefit for 39 million Medicare beneficiaries, and ensure solvency of the Social Security and Medicare systems for the millions of baby boomers in their near retirement years. Let's make no mistake about priorities—the Republican majority has done nothing to extend the solvency of Medicare or Social Security in the 106th Congress. Now they want to squander hundreds of billions of dollars on high-cost, unreliable weapons systems.

According to recent analysis by the General Accounting Office, the F–22 aircraft program

continues to encounter various problems with defects in the aircraft structure causing delays and fewer flight tests per month. In addition, the GAO analysis indicates that the Air Force has not been able to control F–22 costs. The GAO recommends that the F–22 low-rate production should be limited to approximately seven aircraft per year. Merry Christmas, Lockheed and Boeing—you get 10 unproven F–22s from Congress!

The Department of Defense has spent $18 billion on the F–22 since the mid-1980's. The project is too expensive and simply not needed. The program was initiated in 1981 to meet the threat of next generation Soviet aircraft. However, that threat no longer exists. Last year's war in Kosovo illustrates why the U.S. does not need the F–22. The current fleet of F–15s and F–16s demonstrated U.S. dominance in the air in Kosovo. Proponents of the F–22 claim that the aircraft is far superior than the F–15 in air to air combat. This is yet to be determined, but given it is true, we never had air to air combat in Kosovo and we don't need anything superior. The Yugoslav Air Force never engaged the U.S. in air to air combat because they would have faced defeat much sooner. No nation in the world comes close to challenging U.S. air dominance. However, there are many countries that scoff at the U.S. for not providing health insurance to our children. Eliminating the 10 F–22s appropriated in today's bill will allow us to insure 1.6 million children currently without health insurance.

Attention in recent months has focused on the military's readiness problems and difficulty recruiting and retaining quality people, yet today's appropriations bill continues to stress weapons over personnel and training. While funding for Operations and Maintenance, the so-called ''readiness'' account, goes up by 5% and the personnel account rises 2%, funding for the purchase of new weapons goes up over 16%. The U.S. spends two-and-a-half times what Russia, China and all potential threat countries spend on their militaries combined. We are preparing for World War III against a phantom enemy that cannot rival U.S. military strength.

We could save $40 billion per year if we keep our current generation of sophisticated weapons systems; cut nuclear weapons to no more than 1,000 warheads; continue research and development programs on new technology rather than introduce it into the force; and cut back on deployments in Europe. This would enable my home state of California to provide health care for every uninsured child in the state and provide Head Start for 94,209 additional children. It would also give California $1.3 billion to rebuild our schools and enough to build 18,506 affordable housing units.

I encourage my colleagues to dissect our annual defense spending and expose the façade that the GOP is helping the men and women in uniform. The leadership is helping those who line their campaign pockets. There are too many domestic needs to make pork-barrel defense spending our number one spending priority. I urge my colleagues to join me in voting no on the Defense Appropriations bill before us today.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Department of Defense Appropriations bill. I am very disappointed with this bill. Let me say at the outset of this debate many of us are aware of the need to protect democracy at home and promote it abroad. However, the question here today is at what cost?

Do we really need to spend $183 million for 60 Blackhawk helicopters while at the same time withhold $1.3 billion for much needed school renovation?

Do we really need to spend $709 million to repair faulty Apache helicopters while at the same eliminate the elementary school counselors program? I am sure all of us are aware of the 13-year-old honor student accused of killing his English teacher simply because he was reprimanded for throwing water balloons.

Do we really need to spend $285 million for 2,200 Hellfire missiles? What is a Hellfire Missile?

Do we really need to spend $433 million for 12 Trident II ballistic missiles? While in the very next bill that we must vote on today will cut $26 million from reading instruction programs, $416 million from title 1 reading and math programs and $600 million from our Nation's Head Start programs.

Mr. Chairman, building a strong army is not enough to promote democracy or protect our society. It is our duty here in Congress to build a society where no sick person will go unattended, no hungry person will go without food, no able bodied person will go without adequate employment and good schools will be provided for every American child.

This bill is too expensive, unnecessary and I urge all Members to vote ''no.''

Mr. BISHOP. Mr. Chairman, I rise today in support of H.R. 4576, the Defense Appropriations for FY 2001. I wish to commend Chairman LEWIS and Ranking Member MURTHA for crafting a bill which provides the necessary tools for military readiness and a better quality of life for our men and women in the armed services.

I believe, as the vast majority of Americans do, in a strong national defense. We live in an uncertain time and an unstable world. While the Soviet Union is no longer considered an enemy and no other nation has assumed the ''evil empire'' status, there are nations arming themselves and becoming real threats to our national security.

The measure before us today will allow this nation to have the most technologically advanced armed services in the world. The funding levels contained in this bill will provide our troops with the superior weapons they need to prosecute and deter war as effectively as possible. However, there is a human face to this equation and that is the focus of my remarks today.

Georgia's Second Congressional District is home to three military installations: Fort Benning, home of the 75th Ranger Regiment; Moody Air Force Base in Valdosta, home of the 347th Fighter Wing; and, the Marine Corps Logistics Base and Materiel Command in Albany. I have seen, first hand, the excellent work that our fighting men and women do, often under very difficult circumstances. Our responsibility is to make their jobs easier. We cannot expect to attract qualified recruits if poor pay and benefits, inadequate housing and increased ops tempo are the norm. I support this bill because it addresses both readiness and raises the quality of life for our armed forces.

This measure provides a 3.7-percent increase for military personnel in FY2001. It appropriates $433 million for the Cooperative Threat Reduction program to assist in the denuclearization and demilitarization of the states of the Former Soviet Union. This funding goes a long way in helping to disarm those would be rogue states that are currently buying nuclear material on the black market. The bill also funds drug interdiction activities of the U.S. military at $812 million. And, in an attempt to be proactive to the evolving threat to computer security, the measure appropriates and extra $150 million for research an development in support of the Defense Department's information systems security program.

Mr. Chairman, it is for these and many other reasons that I gladly support H.R. 4576 today and encourage my colleagues to support this bill.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 4576, the Fiscal Year 2000 Department of Defense Appropriations bill. This bill will provide $288 billion for defense programs which is sufficient to meet the needs of today's military.

I would like to highlight an important project included in this bill that would provide $10 million for the Disaster Relief and Emergency Medical Services [DREAMS] program. This is the fourth installment on funding for DREAMS that would help to save lives and reduce health care costs. In 1997, Congress provided $8 million for DREAMS, in 1999, $10 million for DREAMS, and in 2000, $10 million for DREAMS. These federal funds have been leveraged with State of Texas funding, financial support from the National Institutes of Health and the ANA and philanthropic sources.

DREAMS is a joint Army research project with the University of Texas Houston Health Science Center and Texas A&M University System. The DREAMS project will demonstrate in both civilian and military terms how to attend to wounded soldiers from remote locations during emergency situations. The project will fund two broad areas, digital Emergency Medical Services [EMS] and advanced diagnostic and therapeutic technologies.

The EMS program will use emergency helicopters to fly directly to injured persons and treat these individuals after a trauma injury. Using the fiber-optic traffic monitoring system already being used in Houston, the DREAMS project will help helicopters to reach their victims faster. The second part of this EMS program is to collect real-time patient data and relate this information back to trauma physicians to make immediate diagnosis and recommended treatments.

The advanced diagnostic and therapeutic technologies will help to develop techniques to identify chemical and biological threats to victims. In addition, DREAMS is developing mechanisms for the biological decontamination and detoxification of these chemical agents. The City of Houston is an ideal location for these tests because of that large number of petrochemical and industrial facilities located in our area.

The diagnostic methods and therapies program will determine possible applications to treat patients during the ''golden hour'' following a traumatic injury. These methods will develop new technologies to diagnose inflammation, cancer, and necrosis utilizing infrared catheters. This program is also exploring new treatment to resuscitate victims by increasing blood flow that is common in many trauma patients. This project is also exploring how to

prevent cell death as a result of traumatic injury. The DREAMS project will yield new results and procedures to help patients become stabilized before sending them to trauma centers.

I am also pleased that this legislation includes $6 billion for the Biology, Education, Screening, Chemoprevention, and Treatment [BESCT] lung cancer proposal at University of Texas MD Anderson Cancer Center in Houston, Texas. This is the second installment on a five-year project to reduce lung cancer and save lives.

The BESCT program would provide comprehensive services for lung cancer patients including smoking cessation, early diagnosis, inhibition of cancer development in active and former smokers, and improved treatment and survival for patients with active lung cancer. This ambitious program is necessary to save lives and reduce health care costs.

Lung cancer is the leading cause of cancer death in the United States today, killing more than 60,000 individuals a year. Research for this disease is not receiving adequate funding in proportion to the number of lung cancer patients who are suffering from this disease.

As you know, the Department of Defense during World War II, Korea, and Vietnam, encouraged smoking among our soldiers. I believe that the federal government should help fund research that will save the lives of these soldiers. The current five-year survival rate of lung cancer is less than 15 percent. Because many lung cancer victims do not usually live long enough to advocate the necessary funding to accelerate progress against this disease, I am pleased that the House Appropriations Committee has acted to fight for them.

I am pleased that Congress has included these vitally important research projects and urge my colleagues to support this measure.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 Department of Defense Appropriations Act. This legislation applies virtually all of the additional $4 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's appropriations bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the Federal Government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, ''Those who love peace prepare for war'' is as true today as it ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the Nation's wars when told to do so by the elected representatives of the American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill to allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included increasing funding for National Missile Defense development by $739 million over last year's bill; $4 billion for the Air Force's F–22 Fighter Program; and $1.8 billion for transforming the Army into a more mobile and technologically advanced force. Another provision of great significance to the nation is $355 million appropriated for the Crusader program. The Crusader is a fully digitized system that revolutionizes artillery for the 21st century. Crusader has three times the effectiveness of Paladin (the system it will replace), with a 33 percent reduction in manpower for each system. It delivers precision low-cost munitions decisively and with very low chance of collateral damage, in all weather.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill includes $12.1 billion for Defense Health Program, $543 more than requested by the President. This legislation has $280 million to implement healthcare enhancements such as removing barriers to an effective TRICARE system thereby generating significant savings that will be redirected to pay for future benefits, and restoring pharmacy access to all Medicare-eligible military retirees.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow Members of Congress to support the Department of Defense Appropriations Act for Fiscal Year 2001.

Mr. OXLEY. Mr. Chairman, I rise in full support of H.R. 4576 and thank Chairman LEWIS, Ranking Member MURTHA, and the Defense Appropriations Committee for the great work in putting together this legislation. They are to be commended for expertly balancing our national security interests with very unforgiving budget constraints.

Even though the Army, in my opinion, has shortsightedly threatened the superiority of our heavy forces by terminating the Heavy Assault Bridge program, the committee is wisely supporting the bridge and the most superior tank in the world, the M1A2 Abrams.

The M1A2 Abrams System Enhancement Program [SEP] tank is a major component of the Army's heavy forces and will remain so through the year 2020. The committee very wisely is providing $512 million for the Abrams Upgrade Program. I am also pleased the committee provides $36 million for the SEP System Enhancement Program and $36 million for M1 Abrams tank modifications.

The Wolverine Heavy Assault Bridge [HAB] is a mobile bridge deployable in five minutes, retrievable in less than ten minutes, and can support 70-ton vehicles. Like the Grizzly Breacher, the President's budget terminated this program to pay for Army Transformation efforts, even though Congress has provided multi-year procurement authority and additional funds for HAB in recent years. It is the top unfunded modernization requirement of the Chief of Staff of the Army for fiscal year 2001. To restore this program, the committee rightly directs the Army to use $82 million in fiscal year 2000 funds to procure the Wolverine. An additional $15 million of unobligated FY00 Research, Development, Test and Evaluation, Army funds appropriated for the Grizzly program is transferred to procure additional Wolverines as well.

I urge all my colleagues to support this vital legislation.

Mr. BARR of Georgia. Mr. Chairman, today, I rise in strong support of the Department of Defense Appropriations Bill for FY 2001.

The Defense Committee's decision to fully fund $3.96 billion for the production of 10 F–22 production planes, and to provide continued funding for advance procurement and research, development, technology and engineering, places us one major step closer to our goal of seeing the next generation of air superiority fighter into production.

As the next generation air superiority fighter, the F–22 will replace our aging F–15 aircraft which was designed in the early 1970s. Defense experts stress the urgency in maintaining our capability to control the skies through air superiority. Many defense experts agree the F–22 performs a vital—indeed, absolutely essential—role in maintaining air superiority in future conflicts. As witnessed in the recent strikes in Kosovo and the Persian Gulf, air superiority is the only effective way to protect our nation and our interests abroad. Without the complete development of stealth technology and advanced avionics features, we put our soldiers at risk.

The F–22 is America's next generation air superiority fighter, and has been developed to counter any future threats posed by foreign advanced surface-to-air missiles (SAMs). As we witnessed over the skies of Iraq, SAMs and other advanced fire-controlled radars pose a real, tangible threat to U.S. combat air fighters. The only defense against those systems is the F–22 program, which has the ability to operate against multiple targets and use advanced avionics. As foreign countries continue to develop and purchase increasingly advanced air defense systems, our nation must continue advancement of our own fighters to preserve future air superiority.

The goal of the F–22 program is to maintain the dominance of aerodynamic stealth performance and will enable the Department of Defense to continue its air superiority. As the F–22 program continues to exceed every technical and programmatic challenge, the U.S. Air Force continues to give its strong, explicit support to the project's continuation.

From the start, the F–22 has been designed for minimal maintenance and will provide a reliable aircraft which is far superior to any other aircraft today. Compared to the F–15, which requires an average of 23 maintenance personnel, the F–22 will require only 15 personnel, which represents a substantial cost savings when calculated over the 20-to-30 year life of an aircraft. Through the use of advanced technology, several benefits will be gained by developing a cost efficient design strategy, creating substantial savings, and improving operational flexibility throughout the life of this program.

As other foreign countries begin to develop and acquire combat aircraft that will be superior to our current fighters, the F–22 program is the only hope to beat the encroachment of advanced foreign arsenals. Countries such as Russia are developing advanced fighters for their foreign customers such as Syria, China, India, and others. It is certain advanced stealth fighter aircraft produced by other countries in the near future, will fall into the hands of rogue states such as Iraq, Iran and Libya.

The F–15 began service over 25 years ago. When the F–22 becomes operational in FY06,

the F–15 will average nearly 30 years of service. The F–15's flight characteristics are well-known today, making it even more susceptible to the next generation of foreign missiles and fighters.

The F–22 is the only opportunity our nation has to ensure America's military continues to control the sky in the 21st century. There is no other combat aircraft in service today that has similar capacity to successfully operate amid our growing future foreign threats.

I urge you to support this defense initiative that builds our nation's future conflict capability while still maintaining our nation's air superiority. We must continue to guarantee air superiority through the continued support and funding of the F–22 program. There is no other American aircraft that can offer the insurance and protection our soldier's and their families desperately need.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

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

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

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $22,242,457,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $17,799,297,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $6,818,300,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $18,238,234,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,463,320,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,566,095,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $440,886,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $980,610,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,719,336,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,635,681,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I, through page 7, line 14, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,616,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the

Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $19,386,843,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds made available under this heading, $6,000,000, to remain available until expended, shall be transferred to ''National Park Service—Construction'' within 30 days of enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,146,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $23,426,830,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,813,091,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,878,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $22,316,797,000 and, in addition, $50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $500,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $11,803,743,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $32,700,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the amount provided under this heading, $10,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance, procurement, and research, development, test and evaluation appropriations accounts, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided in this Act: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be available only for retrofitting security containers that are under the control of, or that are accessible by, defense contractors.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,596,418,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $992,646,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $145,959,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,921,659,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,263,235,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,480,375,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $4,100,577,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $8,574,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,932,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $294,038,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for

the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,300,000, to remain available until transferred: *Provided,* That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,412,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $196,499,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $56,900,000, to remain available until September 30, 2002.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, $433,400,000, to remain available until September 30, 2003.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks), $480,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 2002, as follows:

Army, $282,500,000;
Navy, $70,000,000;
Marine Corps, $47,000,000;
Air Force, $70,000,000; and
Defense-Wide, $10,500,000:

Provided, That notwithstanding any other provision of law, of the funds appropriated under this heading for Defense-Wide activities, the entire amount shall only be available for grants by the Secretary of Defense to local educational authorities which maintain primary and secondary educational facilities located within Department of Defense installations, and which are used primarily by Department of Defense military and civilian dependents, for facility repairs and improvements to such educational facilities: *Provided further,* That such grants to local educational authorities may be made for repairs and improvements to such educational facilities as required to meet classroom size requirements: *Provided further,* That the cumulative amount of any grant or grants to any single local education authority provided pursuant to the provisions under this heading shall not exceed $1,500,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent the remainder of title II of the bill through page 20, line 10 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,547,082,000, to remain available for obligation until September 30, 2003: *Provided,* That of the $183,371,000 appropriated under this heading for the procurement of UH–60 helicopters, $78,520,000 shall be available only for the procurement of 8 such aircraft to be provided to the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,240,347,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,634,786,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,227,386,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of

equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,254,564,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,179,564,000, to remain available for obligation until September 30, 2003.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,372,112,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $491,749,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $12,266,919,000, to remain available for obligation until September 30, 2005: *Provided*, That additional obligations may be incurred after September 30, 2005, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,433,063,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 33 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,229,605,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $10,064,032,000, to remain available for obligation until September 30, 2003.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 28, line 16 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

Are there any amendments to title III?

AMENDMENT NO. 2 OFFERED BY MR. DE FAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO: Page 28, line 15, insert ''(reduced by $930,000,000)'' after the dollar amount.

Mr. DEFAZIO. Mr. Chairman, this amendment serves two purposes. We have heard and continue to hear a litany of concerns from our men and women serving in the military about their basic needs not being met. We still know some can receive and are eligible for food stamps. I talked earlier about a Marine's dad who had to buy him a waterproof case for his new digital radio as a communications specialist, because the Pentagon could not afford it. We have problems meeting sea duty pay. We have problems in readiness.

This amendment will go to many of those concerns. It is quite modest in its scope, actually, and follows the recommendations of a number of professionals. It says that we should slow down the procurement of a plane that has not yet been successfully tested. We would cut from 10 to six this fiscal year under consideration the procurement of the F–22, a plane which has failed to meet any of the major benchmarks in its testing and advanced purchases from 16 to eight.

Mr. Chairman, this would follow the recommendations of the General Accounting Office, the Pentagon's Director of Operational Tests and Evaluation and, in fact, the committee's own surveys and investigations staff recommendations.

I met this morning with Colonel Riccioni. He was a principal in the development of the F–16, a very decorated fighter pilot. He said in his critique, which was absolutely devastating of the F–22, and perhaps it should be classified like the critiques of Star Wars have recently been by a prominent physicist, his are not classified. He said this plane was designed to be stealthy. It is not stealthy. It is bigger than an F–15. It is visible. It is visible at a longer distance. It is visible from look-down or look-up radar. It has a huge radar signature of its own.

It is not stealthy on an infrared basis, and it fails all of those criteria. It does not have, nor does he believe they can prove, a supersonic cruise capability. It was the idea in the designing to fight deep into the Soviet Union against threats which the Soviet Union is not building.

The avionics do not work. In fact, what he says will happen here is that if we go ahead with procurement of this plane, which will not meet the standards that were set out, that we will jeopardize our future combat capacity because we will produce so few of these planes and replace so many planes with them.

The original plan was for 800 F–22s. Then it was 620. Then it was 460. Then it was 339. Not because of our operational needs. We have always enjoyed numerical air superiority. If we cut down to 339, and I suspect we will end up maybe with 200 the way the prices

are running with this plane if it works, we are going to give up the idea of numerical superiority and bet on this plane which is totally unproven.

Mr. Chairman, I am not even saying we should not build it. I am not saying we should not go forward. I am saying we should slow down until we meet the benchmarks and the tests. Take a billion dollars and take that billion dollars and put it into needs that were requested by the Pentagon that are not met in this bill. That makes sense to me. I think it would make sense to a lot of the troops on the ground.

It may not make sense to some of the brass hats at the top of the Pentagon; and it certainly will not make sense to the contractor who is building this plane, at this point at such an extravagant cost overrun.

So I would suggest strongly that my colleagues, if they support the recommendations of the Pentagon in the areas of recruiting, bonus payments for sailors on sea duty, basic allowance for subsistence, that means get the troops and their families off food stamps once and for all; if we are looking at the O&M request of the Marine Corps, the personnel request of the Marine Corps again for basic allowance; O&M requests for the Air Force for maintenance and base operations, recruiting and retention for the Air Force, basic allowance, get the young men and women in the Air Force off food stamps; get the young men and women in the Army off food stamps and look at O&M defense-wide for cooperative threat reduction and for overseas humanitarian disaster and civic aid. We have an extraordinary list of things we could fund if we just followed the advice of the experts and said do not rush into full production at accelerated production with a plane that has not even yet met its basic test requirements.

That is what we are talking about here. This was a subject of concern last year. The committee, in fact last year in the House, the House bill did not include funding for this plane. They killed it. They went much further than I am going. They killed the plane because of these similar concerns.

I am just saying take and transfer this nearly a billion dollars to these real identified readiness needs of our men and women on the ground. Slow this thing down. Do full testing. And then if it meets those tests, if it operates and can meet the criteria we set out at the beginning, which Colonel Riccioni and others say it will not and cannot do, then go ahead. But if it cannot, then maybe we should think later about canceling it and investing in other projects that are proposed, like the Joint Strike Fighter.

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

Mr. Chairman, I realize we could have a lot of people speak about this, but we have debated this at great length in the committee. Last year we cut the money out because we felt the Air Force was going in the wrong direction. We felt they needed more testing. This year we have taken the cap off the testing. We are insisting they finish the testing. But we do think they are moving in the direction that we originally agreed to.

I would hope we will not hear a lot of debate today so we could move forward with this bill and then just get right to the vote.

But this is an important program. I think the gentleman may have overestimated the numbers. I am not sure we will ever get to the numbers that even he predicts in this airplane. I think it is a sophisticated airplane which deals with one specific program and am not sure, because of its cost, we will get any higher. But I can assure the gentleman we are making sure that this airplane is going to be tested before it flies. And we have been on the Air Force more than the contractor. The contractor has been more cooperative than the Air Force, so the Air Force is the one causing us the problems.

Mr. Chairman, I would hope we could get to a vote very quickly on this amendment and go forward with the bill.

□ 1630

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

Mr. Chairman, first of all, I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. MURTHA) who has already stated that we went through this battle last year. We answered the questions that the gentleman from Oregon (Mr. BLUMENAUER) has raised here with respect to the F–22.

But I also want to point out the fact that, in the last two military conflicts that the United States of America has engaged in, we have proven beyond any shadow of a doubt that, when air superiority and air dominance is maintained by the United States, that the loss of life of our brave young men and women who serve in our military forces is minimized and, to a certain extent, is even eliminated altogether.

As we move into the 21st century, we must have the F–22, a full complement of the F–22, in order to continue to maintain air superiority and air dominance. This plane is going to be tested. If we slow down production of it, we are going to increase the cost of this airplane. That is the wrong move to make. Not just from a budgetary perspective, but also from the perspective of trying to ensure that we eliminate or significantly decrease the possible loss of life of our young men and women who are called into combat to protect freedom and integrity of this country around the world.

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

Mr. Chairman, the cost of this development program has doubled since 1985 to $24 billion. Only 15 percent of the testing program has been accomplished since the engineering manufacturing development program began in 1991. The conference agreement last year on the F–22 prohibits a production decision until the so-called Block III software is flight tested in an actual F–22 aircraft. That testing is not even scheduled to occur until the fall of next year at the earliest.

It should be noted that the Air Force has to conduct only a system flight test to meet the congressional requirements and to allow the program to enter initial production.

Mr. DICKS. Mr. Chairman, will the gentleman from Wisconsin yield for a point of clarification?

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

Mr. DICKS. The gentleman said the fall of next year, I believe. I checked with the staff, it is the fall of this year.

Mr. OBEY. I am sorry, the fall of this year. The gentleman from Washington is correct.

Let me simply say, Mr. Chairman, that, as I said in my earlier remarks, one has to understand this amendment in the context of the way the bill is being presented, not just the broad budget context, but what we are doing with respect to other tactical aircraft.

We are expected to move forward on the Joint Strike program at a cost of possibly up to $200 billion. In addition to that, we have the F–18 and we have got the F–22. As I said earlier in my remarks, there have been three cautionary flags raised that the Congress ought to pay attention to with respect to this program.

First of all, the Pentagon's Director of Operational Testing Evaluation testified before Congress that, and I quote, ''basically not enough of the test program has been completed to know whether or not significant development problems remain to be corrected.''

Secondly, our committee's own surveys and investigation staff reported to the committee in March that the decision to enter into the F–22 production in December is ''premature in light of fatigue and avionics testing, which is yet to be accomplished.'' It recommended no production funds until the year 2002.

The General Accounting Office recently told the defense authorization and Committee on Appropriations, ''we believe low rate initial production should begin at no more than six aircraft and that aircraft quantity should not exceed six to eight aircraft per year until developmental and operational testing and evaluation are complete.''

It recommended reducing the fiscal 2001 budget by $828 million, a reduction of four aircraft. It is pretty clear to me that three independent organizations have indicated there are major problems with this aircraft, and two of them have explicitly recommended that the F–22 production not be funded at the level being proposed in the budget.

I recognize this amendment is not going to pass and I congratulate the subcommittee for trying to take this issue on last year. I guess I do not blame them for backing off after they had gotten bloodied and had their heads knocked against the stone wall.

But the fact is the decision last year to question this production was the correct decision. I wish the Congress would stick to it. I wish the House would stick to it. If we did, in the long-term, we would be doing a favor, both to the defense establishment to this country charged with the responsibility to defend the country and to the taxpayers who are, after all, going to pay for it all.

Mr. DICKS. Mr. Chairman, if the gentleman from Wisconsin (Mr. OBEY) will yield for a personal inquiry, maybe the gentleman would like to join me in advocating bombers as a much more economical way to proceed as these expensive fighters.

Mr. OBEY. Mr. Chairman, I welcome the gentleman's conversion to support B–2 bombers. It is the first time I have ever known he has been for that program.

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

Mr. Chairman, I would like to address a couple of the statements that have been made by the proponents of this amendment. First of all, when it was stated that the cost has doubled, when one takes all the research and development money, and one spreads that over 756 airplanes, each of those airplanes cost a certain amount. If one cuts in half the buy of those airplanes to less than 336 today, all that research and development money goes over on a fewer number of airplanes driving up the cost of that airplane.

We took that into account last year. I joined with the committee last year looking, because I was concerned about the cost of the F–22 and the upcoming electronics in it. I would tell the gentleman from Wisconsin (Mr. OBEY) I am not bloody. I stood for what I believed was right and fought for that. No lobbying, nothing swayed me in what I believed.

I will tell the gentleman, if he has any idea what it is like to look at tracers coming across the canopy, if he has any idea what is like to see a sidewinder coming up one's tailpipe, if he has got any idea what it feels like to be coming down in a parachute over enemy territory, then he would support the F–22.

I would tell my colleagues this, why have we not had the funds for the joint strike fighter and the F–18E/F? Because the White House has delayed and delayed and delayed and delayed, and amendments like this have delayed procurement of aircraft knowing that, in the out years, they said, oh, we will give it to you in the out years, but knowing when we come to the out years, we will not have the money to fund all the different systems that we need to support national security effectively.

It makes me sick to hear, well, we want to take care of the food stamp military personnel. We want to take care of those poor military that are shipped around. But, yet, when it came to Somalia and Haiti, we told you that there would be a cost associated with that. $200 billion out of the defense budget for 149 deployments.

So we do not have the money for R&D. We do not have the money for procurement. There are unfunded requirements by the military because of the liberal foreign policy that does not give us the amount of money to support aircraft and equipment.

I would tell the gentleman from Oregon (Mr. DEFAZIO) I flew the F–15 alongside the F–22. The gentleman's information is wrong. It does have super cruise. I could not keep up with it in an F–15. Or General Ryan could not keep up with it in the F–16.

The V_O, which is the stealth capability, gives us the ability to close an enemy fighter and fire before he fires on us because his missiles are better today, his radar is better, and we cannot see through his jammer. The F–22 gives us that capability.

I beg the gentleman, go down and look at the simulator with the actual electronic equipment. In a dog fight, it is also helpful to know where one's wingman is. It is also nice to know who he has locked up so that one can fire efficiently at the enemy and take him out before he takes us out.

The F–22 does that; so does the joint strike fighter. The joint strike fighter is going to use the same technology that is being tested today in the F–22.

The F–22, I am concerned about the cost of the F–22. We need to hold that down so that we can buy in greater numbers that aircraft. Because we need to look at the threat.

Mr. Chairman, if our pilots fly against the SU–27 today, both in the intercept and in the dog fight, our pilots die 90 to 95 percent of the time. But our liberal and socialist friends would tell us the Cold War is over, there is no threat. Our kids are going to die, and it is amendments like this that have stopped our military from surviving and puts us in a situation where we have got 21 ships along pier that cannot be deployed because they are down for maintenance. Our kids are getting worn out, and we are flying 30-year-old equipment.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, will the gentleman yield to me since he mentioned my name?

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

Mr. OBEY. Mr. Chairman, I wondered how long it would take the gentleman from California before he gets to his usual accusation that those who disagree with him are socialists or worse.

I would simply say that the assertion that amendments like this have somehow killed people is absurd. This House has not adopted an amendment to cut back any major defense program in 20 years.

Mr. CUNNINGHAM. Mr. Chairman, I reclaim my time. Two classic examples. The helicopters that we lost in Kosovo, the pilots were not trained. They did not get trained in night goggles. They did not get trained in combat wielded aircraft. Captain O'Grady that was shot down in Bosnia was not even qualified in combat maneuvering, because we did not have the money because of all the 149 deployments that the gentleman supported.

Mr. OBEY. Mr. Chairman, what does that have to do with the F–22? Nothing.

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

Mr. Chairman, I rise for just a brief period of time to remind all of us that last year the former chairman and ranking member and the gentleman from California (Chairman LEWIS) placed the F–22 under the most scrutiny of any procurement and testing in the defense authorization, in the defense budget, much less anything else.

The reference was made they had hit a stone wall, and I guess that alluded to a lot of political pressure. But the truth of the matter is one who learned a little bit about this process last year, because I was new, and one that does have an interest because the production of this airplane is almost in my district and a lot of its workers live there, I watched the diligence that the former chairman and the ranking member and the chairman placed the airplane, the engineers, and the company, not to mention the military, under to see if it was worth the investment of this Congress. The answer was ultimately yes.

The stone wall was not a stone wall of politics and lobbying, although that component always exists. It was the promise that that aircraft, its design, and its predictable avionics would deliver, which now, in initial testing, are being borne out.

So I would ask all of us to remember that it was a year ago we placed this very program under the most scrutiny of any program in the DoD budget period, and it passed. It passed the scrutiny of two of the most distinguished gentlemen in this House. It passed the scrutiny of those who think America needs to be prepared to defend ourselves and our young men and women in the 21st century.

I rise to oppose the amendment and to thank both these fine gentlemen in the committee for last year allowing that aircraft to pass the test which will deliver for our country in the years ahead.

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

Mr. Chairman, I rise in opposition to the amendment. The F–22 will give us air superiority into the future for at least the next 30 years. I have been around here long enough to know that, yes, in every one of these programs, there are problems that have to be dealt with, whether it is the radar or wing bump or whatever it is. But we go through a development program for that purpose to make those corrections.

Now, the reason air superiority is so important, if one looks at what happened in Iraq and then what happened in Yugoslavia, within a matter of hours, we were able to completely dominate the Earth. Remember the aircraft from Iraq went to Iran. They fled the country because they knew they would all be shot down.

Once we have air superiority and once we can control the surface-to-air missiles and their anti-aircraft guns, then we can bring in, not only our stealthy airplanes like the B–2 and the F–117, which are used to go after those fixed targets, but then we can bring in all of the nonstealthy planes, the F–16s, the F–15s, the F–18s Es and Fs and Cs and Ds, and the B–52 and the B–1s.

☐ 1645

But the Enabler is our ability to gain air superiority rapidly; and that saves American lives, saves money, and that is what the F–22 is all about.

I was pleased last year, and I supported our chairman and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), in reviewing this program; but I think we still need to have an unquestioned air superiority fighter for the future. As General Ryan says over and over again, ''We do not want a fair fight.''

I believe that once we get through the development that this plane will live up to expectations. We are not going to buy as many of them as some people would like to buy, because of affordability reasons; but we will have enough of them to ensure that in the next 30 years we will have unquestioned superiority in this area, which is crucial to winning wars early, decisively, saving money and saving American lives.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee now rise and present the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would not have done this but for the words uttered by the gentleman from California.

Mr. Chairman, the gentleman from California who just spoke attacked those who were supporting this amendment as being ''leftists and socialists and the like.'' I would like to ask him whether he believes that the Pentagon's director of Operational Test and Evaluation, whether he is a leftist or a socialist. I would like to ask him whether he believes the committee's own staff on surveys and investigation are a collection of leftists and socialists. I would ask him if he believes the General Accounting Office is a collection of leftists and socialists.

I would simply point out the gentleman himself, in the subcommittee last year, when we marked up this bill, supported the proposal to slow down the production of this aircraft until some of these questions could be offered and said that what was happening on that day was ''a good thing,'' and I am quoting him directly.

I have a great deal of respect for the service the gentleman has provided this country, in the military and in this institution; but that does not give him a right to question the views or motives of those who disagree with him by calling them leftists or socialists. Every person here on this floor is a good American and we believe we are doing our duty when we have the ''temerity'' to raise at least a question or two before we spend almost $290 billion of the taxpayers' money.

The question is not whether we want this country defended or not; the question is whether we want this country defended in the most effective manner. And if we cannot have an honest discussion of that question without calling into question people's patriotism or motives, then that says a whole lot more about the gentleman who made those charges than it says about us.

The CHAIRMAN. Does the gentleman from California (Mr. CUNNINGHAM) rise in opposition to the motion?

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the motion, and I would say that the liberal left is known to fight against national security and defense for greater socialized spending. The gentlemen that support this amendment are members of the Progressive Caucus in which——

Mr. OBEY. I am not.

Mr. CUNNINGHAM. Let me finish. The author of the amendment is.

Mr. OBEY. The statement was ''the gentlemen who support.''

Mr. CUNNINGHAM. I stand corrected. And in that they are listed under the Democrat Socialists of America that want to cut defense by 50 percent.

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

Mr. CUNNINGHAM. I will not at this moment.

Mr. SANDERS. The gentleman is making a factual inaccuracy.

Mr. DEFAZIO. I think we are going to get into a point of personal privilege very soon if the gentleman continues with his bizarre and inaccurate accusations because he cannot operate a computer properly.

The CHAIRMAN. The gentleman will suspend. The gentleman from California (Mr. CUNNINGHAM) controls the time.

Mr. CUNNINGHAM. On the computer program the Democrat Socialists of America have their own Web page, and on that Web page are listed the Progressive Caucus. That is a fact. And I have stated that the Democrat Socialists of America——

Mr. DEFAZIO. Is the gentleman familiar with the first amendment? Anybody can list anything. I am going to be asking for a point of personal privilege if the gentleman continues to insult me in the most inaccurate manner and make inaccurate statements.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) controls the time.

Mr. DEFAZIO. He does not have the time to make inaccurate statements, and I will be asking to have his words taken down if he continues in this vein.

Mr. CUNNINGHAM. The words that I state are factual. The Progressive Caucus is listed under the Democrat Socialists of America, their Web page.

Mr. DEFAZIO. The gentleman is inaccurate. They are listed as a reference by another group. Any group, I am sure that the Nazis of America can list people in this House if they want. Anybody can make such lists. It has no affiliation. If the gentleman is alleging an affiliation, he is absolutely wrong, inaccurate.

Mr. CUNNINGHAM. Mr. Chairman, it is my time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) must seek time later in the debate.

Mr. CUNNINGHAM. Some people cannot stand for the truth, and they would like to shout it down.

Mr. DEFAZIO. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

☐ 1700

The CHAIRMAN. Does the gentleman from Oregon (Mr. DEFAZIO) insist on his demand?

Mr. DEFAZIO. Mr. Chairman, I have seen the transcript, which uses the word ''some'' people.

Obviously, I feel strongly the gentleman from California (Mr. CUNNINGHAM) was directly referencing another Member of the House, me. Perhaps he was not.

If he is not, then I will remove the objection at this point in time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) withdraws his demand.

The gentleman from California (Mr. CUNNINGHAM) is recognized.

Mr. CUNNINGHAM. Mr. Chairman, it is well known that people have a right to either support national security or they do not. That does not make them a socialist.

A difference of opinion does not make them categorized by a political spectrum. But over a period of time, those that oppose national security, in my opinion, have hurt the ability of our

troops to fight and wage a conflict that our President and this Nation offers.

This particular amendment does not make one a socialist. This particular amendment does not mean that one wants to hurt defense. But over a period of time, if historically a person opposes the advancement of defense, that is their right. But I have the right, also, to disagree with that. And in this case, I strongly disagree.

It was my own self that opposed the F–22 even last year. If the gentleman would say that because I opposed the amendment last year I was a socialist, I would agree, too. That is not the case. But it is the case that I would make that our troops are hurting. They have been exposed to 149 deployments. Over $200 billion has come out of the defense bill. The White House has cut defense in the past. And all of these accumulated have caused a lack of training, older machines, poor retention, and the things that we are trying to address in this bill. And at the same time, there is a very definite threat out there.

Those were the points I was attempting to make.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) withdraw the preferential motion?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. Without objection, the motion is withdrawn.

There was no objection.

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

Mr. Chairman, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is sort of a contradictory vein here raised by the previous gentleman. He expresses concern about readiness, training, basic tools, and things that our men and women in uniform need.

In fact, this amendment would follow the recommendations of the Government Accounting Office, the Pentagon, the Investigations Committee of the Armed Services, and slow down procurement of a plane that has yet to meet any significant portion of its testing benchmarks, the same concerns expressed last year. And the GAO says, in fact, things have gotten dramatically worse since December of last year, the concerns raised by the committee. That is the GAO saying that. That is not me. Things have gotten dramatically worse.

I am saying it would be prudent before we begin to purchase for production planes that have not yet been proven, planes that are going to cost nearly $200 million a copy, when, as the gentleman says, and I agree with him, we are not meeting the basic needs of our troops, whether it be in the Air Force, which he is particularly concerned with, or the Navy, or the Army, or the Marines, like the young man whose father I met who was issued a garbage bag as a waterproof cover for his $12,000 new super-duper digital radio.

I think he should have the digital radio. We need encrypted communications in the field so they would not have to use cell phones like they have in the last couple of conflicts. That is great. But the Pentagon cannot find the wherewithal to get a waterproof cover for his radio and his dad has to go buy him one at G.I. Joe's. There is something wrong.

There is something wrong when Hal the Computer at the Pentagon is ordering parts that are in a 100-year supply for wartime and it is ordering more. It is ordering parts for weapons that have been retired at outrageous prices. That steals from the men and women in the field and their basic needs, and it steals from every American and all their needs.

The management is broken. That is the statement of the chairman of the Committee on the Budget on that side of the aisle, that they cannot find things, like the $960 million that they mistakenly sent to contractors, which they voluntarily sent back. I think that is wonderful. But we do not know how much money was mistakenly sent to contractors who did not send it back. And we have accounts still of outrageously overpriced items. That steals from the men and women in the field.

And to say the response is more, more, more, as opposed to better management, is a mistake. And that is the position I have consistently taken since I have come to this House of Representatives. I want the strongest, most efficient defense this country can buy so we do not steal from the men and women in the field and we do not steal from all the other needs in this country and more and more shoveled after bad management in an attempt not to punish the troops in the field who are being punished, as the gentleman himself pointed out, because they are not getting the training they need which we could fulfill if this amendment passed because we would transfer a billion dollars from a premature acquisition of a weapon that is not yet proven which has significant problems according to a number of very highly reputed sources.

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

(Mr. BARR of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Chairman, this bill and its provisions for funding of the next phase of the F–22 development is supported by the Department of Defense, by the House Committee on Armed Services, the House Committee on Appropriations, and by the distinguished membership of the Subcommittee on Defense of the House Committee on Appropriations.

This amendment to cut the spending for the F–22 program is opposed by the Department of Defense, by the House Committee on Armed Services, by the House Committee on Appropriations, and the subcommittee chaired by the distinguished gentleman from California.

That fact should tell us something; and what it tells us is my position, as well: Oppose this amendment, which is a gutting amendment.

Mr. Chairman, equipment, no matter how good, does not guarantee victory on the battlefield. But bad equipment, no matter how competent the training of the individuals who use it, no matter how highly motivated is the motivation of those who use it, will guarantee defeat.

The F–22 has already proved itself, even in this stage of development, as the most superb fighter ever conceived by the mind of man. The technology that has already been proven, even in these early stages of its development, are utterly awesome.

We need to show our fighting men and women and we need to show the rest of the world that America remains committed to providing the world cutting edge technology. That cutting edge technology, which when combined with the superb training and the high motivation of our men and women, has always, and will with the F–22, guarantee air superiority and, therefore, victory and minimize losses on the field.

Is the program perfect? Probably not. Are there problems? Obviously there are. But the scrutiny, as my colleagues from Georgia have already indicated, under which this particular program has been placed, and rightfully so, by this Congress and by the administration are handling those problems in a straightforward, efficient manner. Every one of them has been overcome. I am confident that every problem that arises in the future will be overcome.

Is this program expensive? Yes, it is. Is any technological advance expensive? Yes, it is. Is that a reason not to move forward? No, it is not.

I urge my colleagues to strongly oppose this gutting amendment, to move forward with this piece of legislation with the funding for the next phase of the development of the F–22 aircraft. Our fighting men and women need it. Our country needs it. The world needs it. And they are watching.

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

Mr. Chairman, I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for offering this amendment. I think what the issue that we are debating about is priorities.

I believe that every Member in the House wants to see the United States have a very strong national defense. But we want to make sure that that national defense is cost effective, because there are other needs in this country.

No Member of the Congress ever wants to see a service person killed in action. And we want to protect them

the best way that we can. But similarly, I would hope that no Member of the Congress wants to see an elderly person die because they cannot afford prescription drugs, wants to see a child end up in jail rather than college because that child is not getting adequate elementary education, wants to see an American veteran sleep out on the street because the VA is underfunded, wants to see a veteran of World War II not get the health care they need in a VA hospital. I do not think any Member wants to see that happen.

But we have to make choices. And some of us say, enough is enough. When we talk about increasing military spending by $22 billion and we talk about greatly outspending all of our enemies combined and then we add NATO to it and another $200 billion, how much do we need?

We have middle class families in this country who cannot afford to send their kids to college. Should we not be addressing that? We are talking about not having enough money for Medicare. Several years ago this institution, against my vote, cut Medicare by $200 billion; and the result is massive dislocation in our hospitals, our nursing homes, and in our home health care agencies.

Those are the choices that we have to make. Talk about those people. Do my colleagues want to see elderly people not get the health care that they need? That is part of this equation. And this is serious discussion.

We cannot have it all, not unless we balloon the deficit and go back to where we were. So I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for raising serious questions about how we spend our money in the military.

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

(Ms. GRANGER asked and was given permission to revise and extend her remarks.)

Ms. GRANGER. Mr. Chairman, I rise today in opposition to the DeFazio amendment.

The F–22 is essential to providing U.S. air superiority in future conflicts. Testing and development is ongoing, and the program continues to meet or exceed design goals for this stage of its development.

Since World War II, not one of our U.S. land forces has been killed by an enemy tactical fighter. And as our recent history clearly demonstrates, U.S. and NATO policy places an ever greater reliance on U.S. air superiority as a means to reduce casualties and project U.S. power.

Unfortunately, I respectfully submit that the information that my colleagues are being provided by the opposition is inaccurate and misleading. Here are the facts:

F–22 flight testing is proceeding extremely well and avionics development is well ahead of schedule, a first for a major aircraft development program.

□ 1715

The F–22 is technically sound, and the contractor is controlling costs and remaining under the congressionally mandated cost cap.

It has been said the F–22 will cost three times as much as an F–15. This is incorrect. Adjusted for fiscal year 2000 dollars, the flyaway cost of an F–22 is $83.6 million. An F–15 is approximately $70 million. Approaching the end of the production run, an F–22 will cost only $61 million. No fighter program in history will have flown as many flight test hours by the time the decision is made to proceed to low-rate production. This is the slowest ramp-up rate in the history of tactical aviation. No fighter in aviation history will have produced fewer fighters in low-rate initial production. The fact is reducing these production numbers will cause massive inefficiencies, will distress small second- and third-tier suppliers and will cause a breach in the congressionally mandated production cost cap, having little impact on the reduction of any technical risks.

I urge my colleagues to oppose the DeFazio amendment.

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

Mr. Chairman, I guess much of the world knows that last year our subcommittee went about what many thought to be impossible, that is, we came together in a forum that was entirely nonpartisan, beginning to attempt to address the question of future tactical fighter capability for the country. At question was the reality that we had three aircraft lines moving forward in terms of research and development. We had potential production costs that were almost endless. Yet our objective out there by 2020 and 2050 was to make sure that America had the best possible tactical aircraft available for our men and women who defend freedom in the world.

As we raised this question about the F–22, our point was to say this appears to be an aircraft that can meet our needs in the decades ahead. But, indeed, if we commit to that line before we know that it really works, we could commit ourselves to a procurement line that is horrendously expensive; and we could find ourselves on a pathway not similar to that which was the B–2 not so long ago.

So the committee dared to ask, should we insist upon testing, actual flight testing of this aircraft before we went forward with that long-term procurement? The committee made some very difficult choices and began a debate in the Pentagon that was a very, very healthy debate. As of this moment, the Congress in this bill has provided for the advance procurement funding that was our agreement last year. The gentleman from Pennsylvania (Mr. MURTHA) and I agreed in the process that if the testing that we required, that pattern was followed, that we in turn would commit to the funding of 10 production aircraft. That agreement that we are going forward with here today is a reflection of both, I think I can speak for the gentleman from Pennsylvania (Mr. MURTHA) and myself, that we are keeping our word in terms of that commitment.

Let me assure my colleagues that under our bill, none of the funds provided for the 10 aircraft in fiscal year 2001 may be obligated until these tough testing requirements are fully satisfied. It is absolutely necessary that we follow this pathway because if we are going to make the expenditure to fully buy out this aircraft as it is now planned, it is a very, very big expenditure indeed. With that, let me suggest as of this moment, the F–22 is doing very, very well; but it has some very tough testing ahead of it. We look to that with great interest and will continue to ask the kinds of professional questions that is our oversight responsibility.

Mr. STEARNS. Mr. Chairman, I rise in opposition to this amendment.

American air superiority has reigned for over 40 years allowing our ground forces to conduct operations unmolested by enemy air attacks. To continue that protection, the United States needs a next-generation fighter to maintain our technological edge in combat. Air dominance does not mean we have more fighters than the enemy. It means, we have the fighters, the training, and the technology to overcome any hostile threat.

Russian built Mig 29s and Su 27s can provide the enemy rough parity in the air, and in some instances, may be able to outperform current U.S. fighters. In addition, our fighters will face increasingly advanced and lethal air defense systems.

In fact, Mr. Chairman, the cost of losing our air superiority in the future will vastly outweigh the cost of producing the aircraft to maintain it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

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

The CHAIRMAN. Pursuant to House Resolution 514, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The Clerk will read.

The Clerk read as follows:

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,893,529,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $638,808,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 173 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $230,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $7,778,997,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,303,136,000, to remain available for obligation until September 30, 2003.

AMENDMENT OFFERED BY MR. TIERNEY

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

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Page 31, line 7, insert after the dollar amount the following: ''(reduced by $74,530,000)''.

Page 35, lines 10 and 11, insert after each dollar amount the following: ''(increased by $29,000,000)''.

Mr. TIERNEY. Mr. Chairman, I seek to amend the bill by removing funding for procurement of the National Missile Defense and increasing funding for the military's TRICARE senior pharmacy program, prescription drugs for senior retirees. The Department indicates the program is seriously underfunded despite Congress' expressed desire to fund it. This is not the time for us to be spending money on actual procurement. Already we have substantial appropriations for research and development of NMD. This amendment would not affect those funds. Research and development would continue.

But to start down the path of spending on procurement is premature and inappropriate. Any decision to embark on such a plan should only come after serious, informed national debate about the effect of such a decision on a multiple of important national interests. Foremost should be a determination if we really desire to alter our historic reliance first on the theory of mutually assured destruction now, coupled with serious and somewhat successful efforts at nuclear nonproliferation. Are we fully prepared to face the likely consequences of that decision without first considering its wisdom?

Here are some of the other considerations that should be fully deliberated, debated, and determined before we leave the R&D phase and start procurement: Are we overreacting to the threat that has been identified? Have we adequately considered that the costs and development together with the United States withdrawal from the ABM treaty might be more dangerous than any potential rogue state threat?

Our largest nuclear arsenal threat is in Russia which fears that the National Missile Defense is a precursor to a larger system directed at them. Withdrawal from the ABM would essentially end the strategic arms reduction process which ought to be our real goal. Russia would feel forced to design its force to assure penetration of future National Missile Defense by retaining its MIRV land-based ICBMs, already banned under START II. China could be expected to accelerate its strategic modernization program, since even the first phase limited NMD could defend against Chinese missiles and survive a preemptive strike. If China accelerated, what would we expect India and then Pakistan to do? Acting so precipitously to violate the ABM or to lead to withdrawal from it would be a serious blow to United States credibility as the leader in efforts to control nuclear weapons and to strengthen the nuclear nonproliferation regime.

Our allies and our friends as well as our potential allies and friends see NMD as unnecessary and provocative. We should proceed only with caution. Have we fully analyzed and accepted the cost of building the National Missile Defense? The first phase is estimated to cost $20 to $30 billion. All three phases in the current plan will probably cost two times that much. History shows that far less demanding high technology systems have gone well beyond original predictions, so we can expect the numbers to double. Commencing procurement before we have a true demonstration of readiness will encourage and whet the appetite of the true NMD believers, and they will press for a more comprehensive system a la Star Wars, costing some $100 to $200 billion.

Have we truly satisfied ourselves that the proposed system is sufficiently analyzed and demonstrated to be ready? Is it unworkable? Before turning the arms policy of this country inside out, this topic warrants a discussion about whether the system will actually work and whether or not it is now at a stage where there is reasonable assurance that it will, in fact, work. The development and testing of NMD are simply not mature enough for the United States to make a confident deployment decision this year. We should not be directing our resources for procurement until that level of confidence is obtained. The key problem will be to get the defense to work against an enemy who is trying to foil the system, and any attacker can do so with technology much simpler than that needed for the defense system itself.

We have all seen the papers from experts clearly depicting at least three of the many countermeasures that could defeat any such system. The Pentagon has divided the missile problem into two parts, getting the system to work without realistic countermeasures and getting the system to work with realistic countermeasures. It is our job to insist that we not commit procurement funds year after year until we are technically ready to meet both parts of that equation. This summer's tests are not the answer. They lack realistic countermeasures. Starting to commit funds for procurement now is, as one expert says, like deciding to build a bridge to the Moon. Instead of assessing feasibility of the full project before moving forward, we are deciding instead to start building the on-ramps because that is the part we actually know how to do.

Air Force Lieutenant General Ron Kadish, commander of the Pentagon's Ballistic Missile Defense Organization admits the lack of operational tests for the complex system of radars, interceptor missiles, and high-speed computers is anomalous for the Defense Department.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. TIERNEY) has expired.

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

Mr. TIERNEY. He said that it would be sometime in the 2004 time frame before all elements of the missile defense system could be tested together and then we can make a decision on whether to fully put it on full alert. He said that we are going to be working on simulations and hypothetical data.

So when do we begin to learn? As Ernest Fitzgerald, Air Force financial analyst used to tell us, there are only two phases of a weapons program: too early to tell and too late to stop.

Mr. Chairman, this is the time for us to stop on the procurement and proceed with the R&D. We have other needs. One of those is the TRICARE senior pharmacy program while the R&D continues.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment. As the gentleman knows, this is long, long lead money. This is money the President requested. The President will make a decision this fall. I predict his decision will probably be to put it off until the next President. But the point is this is not the time to cut out that money. If the President makes a decision, whichever way the test goes we will have ample opportunity when we are in conference to eliminate this money. But this is money that has to be spent early on in order to continue the program, in order to allow the orderly decision by the President this fall in order to decide one way or the other. The money, though, will not be spent until sometime way into the end of next year. This is premature to make this cut. I oppose the amendment.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Tierney amendment. I think it is a wise amendment because the idea of limiting money for procurement on a system that we already have preliminary information about cannot possibly work is a service to the taxpayers, and I certainly want to support such an amendment.

There are many who say right now in the scientific community that the system simply cannot work, that it is a waste of taxpayers' dollars. Now, let us say that there is a warhead coming in from this system. Right now as it is being developed, and that as it is coming in, the missile is launched to intercept it, and the way we hope it works is that, in an ideal world, the missile touches the warhead and destroys it. That is what this is all about. However, what has actually happened according to the New York Times, a test was taken and the warhead simulation goes up, the missile intercept goes at it; but what happens is it actually missed the warhead and hits a decoy. Now, if it hits a decoy, what happens to the warhead? The warhead continues on towards its target and good-bye whatever city it is headed towards.

The problem according to the technology that is being discussed right now, which is why the Tierney amendment on procurement is so good, is that the technology does not exist to tell the difference between a warhead or a decoy. So the missiles will go up, and the chances are they are not going to do the job of intercepting.

Now, there is a further complication to this and that is that on the one time that a test was said to be successful, there are creditable reports which again have been reported publicly by the New York Times which suggest that so-called successful test actually was achieved through refiguring the test results and in effect jimmying the test results, tricking them up, if you will, fraudulently putting the test results together and then passing that off as a successful test. That, by the way, has been communicated to the White House.

□ 1730

We ought to be concerned about whether or not a system works or whether it can work.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague, the gentleman from Ohio (Mr. KUCINICH), for yielding. I think, as the gentleman knows, it is just possible that reporters even of an esteemed newspaper like the New York Times do not have access to all of the material that might be available that is pertinent to this discussion. I think the gentleman further knows that every Member of the House does have the opportunity to go to the intelligence room, to read the material that is there, that is a clear evaluation of that which has been suggested by a number of sources, some of which are very, very poorly developed sources.

I would urge my colleague to take advantage of both your responsibility, but also your opportunity to go to the intelligence room and read that material for literally the protection of America's involvement, and so I would appreciate my colleague considering that.

Mr. KUCINICH. Mr. Chairman, I reclaim my time and I respect the gentleman's suggestions. As a matter of fact, I have been following this for 15 years. And the United States taxpayers have paid $60 billion over that 15 years, and we do not have a system that works.

Now, think about that. Mr. and Mrs. American Taxpayer has paid over $60 billion. Here, it is warheads up, missile comes up, shoo, $60 billion. How far can this keep going before it becomes a farce? I think we are already at that point. That is why I support the amendment of the gentleman from Massachusetts (Mr. TIERNEY).

Mr. Chairman, I followed this for 15 years. This is not Buck Rogers, folks. This is real tax dollars going for a system that does not work, and now there is claims of fraud on the only test that was said to have worked. I think that the gentleman from Massachusetts (Mr. TIERNEY) raises a good point about cutting procurement. I think that the issue of destabilization of our relations with China and Russia ought to be of concern. I think that we could conclude that national security is being diminished here; that it would diminish global stability; that it is technologically unproven; that the threat is exaggerated; and that it would undermine arms agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word and hopefully the program.

Mr. Chairman, I, like many Members here, have became a student of the eminent gentleman from Pennsylvania, (Mr. MURTHA), the ranking Democrat and once a future chairman I hope of this subcommittee; and he always does a wonderful job. And I am particularly impressed because he has managed to classify all amendments that would cut defense spending into two categories: some are premature and others come too late.

The gentleman from Pennsylvania (Mr. MURTHA) has in my time here successfully managed to consign every amendment to either too soon or too late. We never quite hit the moment. Indeed, if there is anything less likely than that ballistic missile system that is going to hit a missile, it is that it will hit the right time, according to the gentleman from Pennsylvania (Mr. MURTHA.)

I do not think either is very likely. They could not comment that failure in both cases is very expensive. If we do not meet the gentleman's timetable, there goes a few billion. If we do not hit the missile, there goes a few more billion, sometimes in the same billion.

Now one of the arguments for not adopting this amendment to move the spending is that the money it seeks to spend will not be spent. The fact that money will not be spent until very late in the year and maybe never because a new President will come in and make a decision, it is hardly a reason to do it.

We have paid a lot of lip service to TRICARE. Indeed, any veteran who has lip problems is probably in great shape, any Member of the military, because we have done a lot for the lip area; but we have not done a lot for some of the other health areas. Previously, I did not get a chance to respond, the gentleman from Indiana said, well, you know, we are under a tough situation now, because the bear, the Soviet Union, has been replaced by the vipers. Well, I challenge that history.

If we listen to that statement, there is an assertion that we used to have the Soviet Union, and then when it disappeared, a new threat came up, North Korea, Libya, Iran, Iraq. It is not my impression that any of those countries sprang into being in 1991.

We used to have the bear and the vipers, to use that metaphor. Now we know longer have the bear; we have the vipers. And as I look at this, I think the business of many of my colleagues in many of the defense spending a very profitable business has had their vision clouded. They cannot adjust to the fact that the Cold War is over; and the fact is that, yes, there are countries out there run by people who are unstable, who are evil, who wish us harm; but their capacity to do us harm is much less.

Now, let us take the situation which we are told we confront here that North Korea might decide to launch a missile against us. My own view is that the people who run North Korea are immoral, but not totally suicidal; for any nation as weakly armed as any of the vipers to attack the United States

consciously is to expect total devastation.

We are not talking here about mutually assured destruction; that was the U.S. and the Soviet Union. We are talking now about very poor countries, none of which could do more than provoke great retaliation against the United States.

I want us to have the capacity to continue to deter that, but spending ultimately hundreds of billions of dollars on a technologically very unlikely scheme to try to prevent North Korea from attacking America when there are a number of other ways in which we can prevent North Korea from attacking America is a mistake.

We are told the next President is going to decide it. Let us then deal with it at that point. But I will tell my colleagues what will help because premature and too late will come forward. Now, we will be told, as we have been, that it is premature to strike the money. By the time that the next President gets around to it, we will be told it is too late, because we will have already spent the money and after all you do not want to spend the money for no good purpose, unless you are in the Pentagon, which you will do occasionally.

We have a tight budget. We have unmet needs in this country. Let's say this, I may differ from some of my colleagues, if someone wanted to give me this ballistic missile defense system for free, I would accept it. The Chinese would not like it, some others will not like it, but I will accept it. Paying, however, tens of billions of dollars at a time when we are denying ourselves so many important necessary programs domestically makes no sense. It makes no sense, in particular, to begin to commit now to a vast amount of money to deter North Korea from attacking the United States; that is what we are talking about.

We are talking about deterring North Korea from attacking the United States. I believe we have far superior, more cost-effective methods of preventing North Korea from attacking the United States. Committing ourselves to this ballistic missile defense system, and that is what we will be doing, the rhetoric now will be this is very tentative, but tentative will become a decision already made when we attach it later.

By the way, it is only when we are dealing with the defense budget that we can talk about spending a few hundred million or a couple of billion tentatively. Tentativeness of the Pentagon is, of course, the entire budget of many important programs.

I commend my colleague, the gentleman from Massachusetts (Mr. TIERNEY). It is a very thoughtful amendment. My colleagues say we are not getting really ready to make a decision; let us put it into health care where we need it, and let us once try to hit the mean between premature and too late.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment, but I do want to say to the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Massachusetts (Mr. TIERNEY) that I think this is a much closer call on the viability of this program.

General Kadish, who is the person who runs this office, says very clearly that this is a high-risk proposition. And we have not done enough testing yet to really make a deployment decision.

The gentleman from South Carolina (Mr. SPRATT) and I have been looking into this in great detail. And, frankly, I am a bit concerned about the time schedule here for a decision. Apparently, we are going to have an additional test sometime this summer; and after that, the President in August is going to make a decision about whether we go forward with deployment, or as the gentleman from Pennsylvania (Mr. MURTHA) has suggested, he may decide that we do not have enough information and that the criteria that was laid out last year in the bill that talks about costs, risk and what this means to all of our allies and what does it mean to the Russians.

I mean, there is a real question here, I believe, about, you know, how much this is going to add to our defense, and whether it is going to set off a chain reaction with the Chinese wanting to increase their weapons, then India, Pakistan. This has got tremendous ramifications that need to be considered.

Frankly, the President was trying to work out an agreement with Mr. Putin in his recent trip to the Soviet Union, and he was unsuccessful in getting a limited amendment to the ABM agreement so that we could do our hundred interceptors, but not abrogate the treaty. Now, the problem is we have got money in the military construction bill to start on the X ban radar site in Alaska.

In order to start, if we are going to abrogate the treaty or whatever we are going to do with the treaty, we have to notify the Russians in November of this year that we are going to do something that goes outside the agreement. Now, some people have suggested maybe there is a way to finesse that, and that really starting this construction is not really an abrogation, but this gets into very legalistic determinations.

So I think the thing to do here is that we should make a point, all of us, with this administration, just as we said on the F–22, Mr. Chairman, that we need more testing. We need to look at the question of can this thing handle the decoys and can it handle these other threats that are presented.

I must say, I have always been a strong believer in our triad, our strategic deterrent; and although I am rarely persuaded by the gentleman from Massachusetts (Mr. FRANK) on these matters, I do believe there is a strong case that anybody would be acting suicidally and insanely to try to launch one or two weapons at the United States.

I do believe my own judgment is deterrence will continue to work for a reasonable period of time into the future. It is going to take us at least 5 years before we have this system anyway, so let us do it right. Let us get the testing; let us make sure we have got this thing done. We have already spent $60 billion. We are going to spend a lot more; probably we are going to do this. So let us take the time to do it right.

I am still going to stay with the committee on this particular amendment, but I did want to say this today because I think the gentleman has a very thoughtful amendment and has approached this in a very constructive way.

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

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

Mr. TIERNEY. Mr. Chairman, first of all, I want to thank the gentleman for his comments, and I thank the gentleman for all time that we spent discussing this and expressing his views. The concern I have, obviously, is the fact that we seem once again when it comes to a military procurement to be spending the money to start building something before all of the appropriate testing is done and before we know that we are realistically going to be able to perform the act.

I think too often we have had insufficient and unrealistic testing, and as the GAO has said, along with overstated performance claims and understated cost reports. And I think this procurement since it is not anticipated as the gentleman from Pennsylvania (Mr. MURTHA) said to be really spent this fiscal year or at least not until the very end of it, why not take this opportunity to not start down this path where we are putting the cart before the horse, put the money where it is really needed in the TRICARE, where we know that is an expense we are going to have, and allow the research and development to get us to that point, if it ever does, where we can say that now both ends, both the idea of getting the missile up to work without deception and one that works with deception in place, that would be the time to move forward. Otherwise, I think we are recreating a scenario that we saw with Star Wars since 1984, it was mentioned, all this time later, $50 billion-plus later, we find ourselves still without anything tangible for it.

Mr. DICKS. Mr. Chairman, reclaiming my time, I do agree with the gentleman from Massachusetts (Mr. TIERNEY) that this is a high-risk venture. Even the proponents of it recognize that, but I think we need to keep moving this thing. I think what we need to see does the next test work and can the President do anything diplomatically. If not, I hope, frankly,

that he pushes this off until the next Presidency. I think it would be much better for the next President to make this decision.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

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

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

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

Mr. DOGGETT. Mr. Chairman, is it correct that there are no plans to test the capability of this system to deal with decoys even scheduled until the year 2005, as has been reported in the press?

Mr. DICKS. No, no, they have tested it already against decoys. They used a balloon. I hope this is not classified. Is this classified?

MR. LEWIS of California. Be careful.

Mr. DICKS. Okay. I cannot get into any classified information.

Mr. DOGGETT. I do not want to get into anything classified.

Mr. DICKS. I strike those words. We have tested it against some decoys.

Mr. DOGGETT. Not the major tests?

Mr. DICKS. It is not against a high-up?

Mr. DOGGETT. The major test is scheduled for 2005 according to published reports in the press within the last month.

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

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I suggest to the gentleman from Washington (Mr. DICKS) that we not get into this.

□ 1745

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

Mr. Chairman, I rise in support of the amendment. I do not understand how anybody can object to meeting a real need with health care and not putting up money for beginning procurement of a system that is not yet known, it is not a known quantity; it has not had, as far as we know, any successful test.

Now, it is true they claim to have had a successful test, but an employee of the contractor filed suit saying, in fact, they had faked the tests and the data. An expert on this sort of missile technology, Ted Postal at MIT, obtained the data, analyzed it, and wrote a letter and said, in fact, she was right, they had faked up the data, it did not work, it could not discriminate among decoys. This is all in the public realm. The first response of the Pentagon and the White House was that Mr. Postal was absolutely wrong, he was working with the wrong data set, his analysis was bad, and they would prove him wrong. But before they proved him wrong, they classified his critique and they now are not trying to prove him wrong, so I guess his critique was right.

In fact, the data was faked out by the contractor and, in fact, the system does not work; after $60 billion, it still does not work, a couple more billion this year, and now let us move to procurement. Let us vitiate the only viable arms control we have ever had in terms of the agreements we have reached with the former Soviet Union and vitiate the ABM Treaty and start a new arms race with China and what is left of the Soviet Union, Russia and whoever else can produce these things.

Mr. Chairman, this is madness. This is madness. It is almost as mad as the thought that the dictator of North Korea is going to build a missile, if he could, that could possibly wobble its way over to the United States and hit us with one missile, and then if he had that thing, he would shoot it, which would be detected 30 seconds after launch, and the retaliation would turn his country into glass. I do not think he is going to shoot that missile.

There are other ways that a dictator or terrorist can threaten our security, and it is not with a missile that can be detected. And, if they were not going to use a missile, then it would be someone who is a little more advanced who would shoot underneath the system. It cannot work against cruise missiles which can carry nuclear warheads; it cannot work against depressed submarine-launched missiles, depressed trajectory missiles. Everyone admits that. No one is saying they are trying to design a system to do that, so we already know. They can use countermeasures, they can bring in ICBMs. If they do not want to use ICBMs, they can use a much cheaper cruise missile, they can use a much cheaper submarine missile, they can go under it, but I do not even think that is a real threat.

Mr. Chairman, I am on the Subcommittee on Coast Guard and Maritime Transportation. We have a real threat. Today, anybody can steam a tramp steamer under a bizarre foreign flag, Libya or some other country that does not exist that has a phoney registry, into any port in this Nation without being checked. Well, that might present a real threat to the security of this country, and I am not going to go on very much more about that, but that is something we ought to be thinking about.

We are not dealing with the real threats here. We are dealing with a program that was cynically designed to put expenditures in three-quarters of the congressional districts of this country to provide some profits to some defense contractors and some employment to some scientists that cannot ever successfully defend our Nation.

Mr. Chairman, it is time to stop wasting the money. If we want to go ahead and continue to waste the money on testing, do not lock us into procurement, do not vitiate the ABM Treaty, and do not lock us into procurement on a system that has yet to have a successful, honest test.

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

Mr. Chairman, first I want to congratulate the distinguished chairman and ranking member for their leadership on this issue and my colleagues on both sides of the aisle for working in a bipartisan manner.

Let us get some facts straight, first of all. The gentleman raised a point about the need to deal with weapons of mass destruction. Let us make the case and let us put the facts where they are, if the gentleman will listen to me. We are spending $11 billion this year, $11 billion on weapons of mass destruction and the consequence management to deal with those threats, $11 billion. To say that we are not doing anything is poppy cock.

The second point the gentleman said is that there is no need to defend against missiles. Well, let us face the facts, I say to my colleagues. The weapon of choice today is a missile. When Saddam Hussein wanted to reign terror on the Jewish folks in Israel, he did not choose a truck bomb, he did not choose to put a ship up in the harbor, he fired the Scud missiles that he got from North Korea and Russia into Israel; and we could not defend against it. When those two dozen young Americans, half of them from my friend's district came back home in body bags 9 years ago because they were killed in the largest loss of life in the last 10 years, it was not because of a truck bomb, it was because Saddam Hussein chose to try to neutralize America by firing a Scud missile that we could not defend against, into a barracks, while young men and women from our friend's district, half of them, from Greensburg, Pennsylvania, were massacred.

Mr. Chairman, this amendment is a disastrous amendment. We cannot deploy a missile defense system next year. That is all rhetoric, and all of our colleagues who attended the 150 classified briefings and closed hearings know that over the past 6 years. We cannot deploy under the President's planning system until 2005.

But, Mr. Chairman, there are certain things we have to do now to be ready to make that decision. The money that is in this bill for national missile defense is for radar, it is for preparing a site, it is for integration of systems. We cannot wait until the very end to do those things.

So if we pass this amendment, we kill the program. Let us be honest about it. We all want successful intercepts. My colleague said we have not had some successful intercepts. Well, let me just again correct the RECORD and let me point out what, in fact, we have done since 1999 in March. We have had six successful intercepts. We had, using hit-to-kill technology, one with our NND program, two with THAAD, our Army program, and three with PAC 3. In fact, the Israelis have had similar successful intercepts with the ARROW program.

Mr. Chairman, we are making progress. Have we solved all of the problems? No. But it is a challenge that the scientists who are dealing with these issues feel that we can meet.

The gentleman says it is a pork barrel program. I do not have any missile defense contractors in my district. I do not have any. I do not have any favorite programs. I am willing to let the administration decide what is the best option. Some of my colleagues want sea based, some want land based, and some want space based. I am willing to let the administration make those decisions. This amendment ruins all of those options.

We have worked hard in a bipartisan way to get to where we are today. Democrats and Republicans have joined together for what is best for this country. This Sunday, I will leave for Russia, for Moscow with Secretary Cohen at his invitation. I am going to go to Moscow and miss votes because I think it is important, as I did before our bill came up last March, to brief the Russians on why we are doing what we are doing. We are not trying to back Russia into a corner, and the gentleman knows that. We have a concerted effort to work with the Russians. And when I go to Moscow with Secretary Cohen on Monday and Tuesday and Wednesday, I will sit there with the members of the Duma, with General Sergeyev, the Minister of Defense in Russia and we will sit there with the Minister of Foreign Affairs from Russia. And we will tell them that the threat is not Russia, but the threat is from the rogue states of Iran, Iraq, Syria, Libya and North Korea.

When the North Koreans test launched the Taepo Dong I 3-stage missile on August the 31st of 1998 over Japan's territory, the CIA acknowledged that that missile can now hit the U.S.; and we have no defense against that. If this amendment is passed, we will not be able to keep a time frame in place to move toward a 2005 deployment date. This is a wrecking amendment.

Mr. Chairman, I urge my colleagues on both sides of the aisle, my good Democrat friends like my colleague and friend, the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Washington (Mr. DICKS), the gentleman from South Carolina (Mr. SPRATT), all of those who have come together on this program; the gentleman from Virginia (Mr. PICKETT), the gentleman from Virginia (Mr. SISISKY), the gentleman from Texas (Mr. REYES), all of them; the gentleman from Hawaii (Mr. ABERCROMBIE), all of my colleagues who have worked hard, to continue to support the program that my gentleman's President wants from his party, and I acknowledge that he is our leader, and that is a program to move forward to a deployment date in the year 2005. Passing this amendment stops that process. Passing this amendment does severe damage.

My friend would say well, we want to make sure the program works. Well, we do too, and that is why in the last bill we punished the Lockheed Corporation because they were not successfully testing a THAAD program. We put in $10 million hits every time they were unsuccessful.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WELDON) has expired.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, when we had a problem with the THAAD program, the Members of Congress in both committees, the Committee on Appropriations and the authorization committee, from both sides came together and they said, we do not want to fund programs that do not work; we do not want companies making big bucks and not being held accountable. So what did we do?

My friend and my leader up there, the gentleman from South Carolina (Mr. SPENCE), working with the gentleman from Missouri (Mr. SKELTON), with the gentleman from California (Mr. LEWIS), and working with the gentleman from Pennsylvania (Mr. MURTHA), told the Lockheed Martin Company, if you do not get your act together and straighten out the quality control issues in the THAAD program, we are going to punish you. We have put language in the defense bill that said, every unsuccessful intercept would cost them $10 million out of their corporate pockets, out of their profits, and that allowed then Lockheed to get their program together and their act together and the THAAD program has now had three successful intercepts in a row.

So when my colleague points out that we all want successful tests, he is right. I would just urge our colleagues on both sides of the aisle to overwhelmingly reject this amendment, support the request of President Clinton, support the request of Secretary Cohen, and allow this program to move to the next step. If we do that together, in the end, we will have a viable program that will provide the protection for America that will prevent similar situations like we had 9 years ago when those Americans came home in body bags because we could not defend a low-class missile from hitting and killing them while they were asleep in their barracks.

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

Mr. Chairman, I rise to support the Tierney amendment and thank him for introducing it and engaging in this debate.

Today, we are debating a defense bill that includes billions of dollars for a national missile defense system that is profoundly flawed. Now, I had the privilege to work with my predecessor, Congressman Ron Dellums for many years, and I remember and many of us remember his vigilance, his dedication and his careful analysis and profound arguments against star wars. Well, here we are again.

In the 1980s, critics of star wars rightly argued that it would cost billions, restart the nuclear arms race and ultimately not work. National missile defense is star wars with a new name, and all of the old problems. This program will cost billions of dollars at a time when we have failed to solve deep and far-reaching social problems here at home. We will be putting billions of dollars into an unproven military system when we have some 275,000 homeless veterans living on the streets of our cities and 44 million uninsured Americans with no health care.

This year's appropriation will be followed by billions more if we go down this road. We will be putting billions of dollars into a system in the name of national defense that will actually create greater international instability and accelerate nuclear proliferation. National missile defense, or Star Wars II, undermines the antiballistic missile treaty with Russia and, in all likelihood, it will probably convince the Chinese to expand their nuclear arsenal. National missile defense escalates the international arms race and escalates and accelerates nuclear proliferation, and it will not protect us from the most likely nuclear threat. In all probability, a nuclear assault will not come as an ICBM but as a suitcase bomb that Star Wars systems will never see and will never shoot down.

Finally, we will be putting billions of dollars into a system that expert after expert has told us will not work, even against attacks from ICBMs.

□ 1800

For example, the Union of Concerned Scientists and the American Physical Society have both pointed out that in addition to moral questions, in addition to geopolitical questions, in addition to economic questions, national missile defense systems will not work. These physicists tell us that MMD can be fooled by countermeasures that can be produced by any country that is capable of building a nuclear bomb in the first place.

Understand, I am not opposed to ensuring our national security. What I am opposed to is this national missile defense system, Star Wars II. Nor am I alone in making this distinction. The United States has failed to respond to the new realities of the post-Cold War.

Let me give a quote which I recently discovered: ''It is as if President Bill Clinton's military was structured to go to war with President Ronald Reagan's, rather than that of Iraq or North Korea.''

This quote comes from an organization, Business Leaders for Sensible Priorities, a group that includes retired brigadier generals, rear admirals, and some of the Nation's foremost businessmen and women. It is leading the way in calling for sensible, rational, and necessary budget cuts.

This organization was commissioned by President Ronald Reagan's Assistant Secretary of Defense to analyze today's military budget. In their report, a Cold War Budget Without a Cold War, they convincingly argued that the proposed ballistic missile spending and the defense budget as a whole are excessive and out of sync with actual security needs.

The 20th century was really stamped and we are still dealing with the imprint, I would say, of the Cold War. But it is our responsibility really to forge safer and sounder and saner policies in the 21st century. National missile defense is really not the way to do that. Rather, we should do what this amendment does. We should ensure that there are adequate funds to ensure that our retirees, for example, have access to medicines and to pharmaceuticals which they so deserve.

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

Mr. Chairman, I rise in support of this amendment and in opposition to the fantasy that is properly called ''the Star Wars Missile Defense System.'' I commend the gentleman from Massachusetts for his courage in advancing this amendment.

It is not too early for the Congress to debate this important issue. Indeed, it is quickly becoming too late to have a meaningful debate about a national missile defense system. The United States has already spent over $100 billion dollars, on Star Wars. Now we are told that for a mere $60 billion more, according to the Republican Congressional Budget Office, we can have a ''limited missile defense system.''

Of course, the many advocates of Star Wars, who say that a mere $60 billion system would be too limited, recommend spending two or three times that amount. They mistakenly search for absolute security by absolutely draining the taxpayer for a very questionable venture.

Without the amendment of the gentleman from Massachusetts (Mr. TIERNEY), this debate is limited to choosing between bad and worse, between an ultra expensive program and a larger, more outlandishly and even more expensive program.

There are multiple problems with Star Wars.

First, Star Wars does not work. The supporters are really saying, ''do not let good science get in the way of good politics;'' ''Deploy first and then see if it works later.''

Hitting a bullet with a bullet is a significant, technical challenge. The advocates of this plan promise that it will shield the entire country when, in fact, it cannot dependably destroy even one incoming missile. Nor can this system adequately detect the difference between missiles and decoys.

The second problem with Star Wars is that it does not adequately deal with what is a very real threat from rogue nations and terrorist groups. An enemy that wants to detonate a weapon of mass destruction does not need to develop an intercontinental missile system. They can rely on a smart bomb, which can little more than a suitcase and a fanatic. A human being with a nuclear or biological weapon can do great damage. But this defense at $60, $120, perhaps $200 billion offers absolutely no ability to defend against that kind of threat.

The third and perhaps most important problem is that Star Wars is counterproductive. It actually jeopardizes our security.

In Asia, Star Wars even the possibility of deployment is already encouraging the Chinese, to produce even more missiles and to plan for MIRVing existing missiles with multiple warheads. A much larger Chinese nuclear force will be the natural result of the deployment of even a so-called ''limited'' system.

As China expands its nuclear capability, India will feel threatened. As India expands its nuclear capability, Pakistan will feel threatened. In short, Star Wars will create the very reality, the very threat that it seeks to avoid.

In Europe, we send forth a message of division. All of our major allies for whom this ''limited'' deployment offers absolutely no protection are left to fend for themselves. That is one of the reasons that they have consistently objected to even a limited, ill-advised Star Wars system.

With the foolish decision that was made in this Capitol last year to reject the Comprehensive Test Ban Treaty, and the refusal to ratify other arms control agreements, a decision to deploy now sends a Cold War message to Russia when we should be seizing an historic opportunity to dramatically reduce the number of nuclear weapons on this planet.

Deploying Star Wars, whether on a limited, complete, or in between basis, will fuel a world arms race that will make this Earth a much more dangerous place for all of our families. It substitutes political arrogance for good sense and good science. In short, Star Wars means that American families will pay more taxes for much less security. I urge adoption of the amendment.

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

Mr. Chairman, we are at a very, very critical time in America's history. There is little doubt that in the past, as Ronald Reagan raised the question of a strategic defense initiative and a thing dubbed, by some, Star Wars, that one of the fall-outs of all of that discussion is that media across the country would make a mockery of the suggestion that we might be challenged by way of a missile threat.

Over time, the public came to the point of believing that we actually had a missile defense system. They actually, in sizeable percentages, think we have this in place. The reality is that these are very hard things that we are about. The business of hitting a missile with a missile or a bullet with a bullet is very difficult stuff.

But we have technology moving forward that offers huge potential in terms of America's capability to defend itself from an errant missile attack, from a rogue Nation reacting in a fashion that would make no sense. Nonetheless, this President, William Jefferson Clinton, has asked us to put in this budget a dollar amount for long lead procurement, for development, laying the foundation for us to have the sensors and other equipment in place to measure whether this kind of defense system actually has potential to protect our people. He is not doing that lightly.

At the same time, the President has just finished a personal round of discussions with Mr. Putin. We all know that President Clinton is a very persuasive fellow, especially when he is one on one, and as of this moment, Mr. Putin is reconsidering the role of a shield in terms of Russia's interests as well as our interests. They are not rigid on this matter, and in no small part because I believe this President is very persuasive.

All of the experts that I have had the privilege of spending a lot of time with in recent years suggest to me that perhaps America has no near peer in the world for maybe as long as 10 years. I believe that that is likely the case. Over time there is a chance that China may come online and that India indeed might develop a competitive spirit in Asia.

Laying the foundation for that, Mr. Chairman, it seems to me there lies the strongest argument for this $288.5 billion bill, is to set the stage for America to be ready to defend our country if we need to long-term.

Our actual purpose is not that. Our purpose is to set the stage that causes those leaders in Asia to know that America is so good and so able to defend herself that there must be other avenues to making it to a successful path in this shrinking world. What we hope is that the future leaders of China and India, indeed, will look around and say, wait a minute, why should we waste our resources following that pathway when the marketplace itself will work? Indeed, what we are about here is seeking to provide leadership for peace.

We talked about costs a while ago. Some of the costs that were discussed would suggest that we should not put a lot of money in R&D to make sure we are the best of the best in the future. The F–22, for example, will cost in just a short time ahead some $61 billion as we go out to make sure this tactical fighter system will work. Peace and building for peace is not cheap, Mr. Chairman.

This bill reflects the only real reason to have a national government; that is, to make sure that we are prepared to

fight if we need to, but most importantly, to pursue those pathways to peace.

I must conclude my remarks by suggesting to all my colleagues that peace indeed is very, very expensive, and the most serious of our responsibilities as a national government. But we cannot begin to calculate the cost of war, Mr. Chairman. What America's leadership is about is to lay a foundation that will almost guarantee that leaders of common sense in the future will not want to follow a pathway that follows confrontation and war.

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

Mr. Chairman, I rise in support of the Tierney amendment. The national missile defense as proposed would not be effective. We have heard that over and over again today. It would be costly to deploy and easily circumvented.

The proposed missile defense system probably would not work as designed, and wishing so will not overcome the physics. I speak with some background in the area. It could be confused with decoys. It could be bypassed with suitcase bombs and pick-up trucks and sea-launched missiles.

It would be not just billions of dollars down the drain. It is not just a diversion of precious resources that could be used for TRICARE or other such things. But we are told that this is going to provide a defense for us. No, it is worse than a waste. Simple strategic analysis tells us that a provocative yet permeable defense system is destabilizing and actually leads to reduced security.

In fact, the more effective the system turned out to be, the worse an idea it would be, because of the increase in instability and the damage done to our efforts to reduce weapons around the world.

Mr. Chairman, this is a weapons system in search of a cooperative enemy. Sure, it is a shield. We have heard about shields of the knights of yore. But where do the knights use those shields? Not around the house. They uses them in battle. They use them in battle because they can thrust and parry from behind that shield.

We say, no, no, this is just a defensive shield. Those other countries do not need to be concerned what we are doing behind our shield. Well, only a cooperative enemy would believe us. Only a cooperative enemy would not try to use technically easily accessible decoys to defeat the system.

Therefore, I think we should defeat the Star Wars, Star Wars II, Star Wars Lite, Star Wars again program and use those resources for other, more humanitarian, much saner uses, and in the process, increase our security.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, is the gentleman aware that Russia, which he has alluded to, has an operational ABM system, which he said is not necessary, and they have upgraded it three times? Is the gentleman aware of that?

Mr. HOLT. I am aware of the 1968 ABM treaty.

Mr. WELDON of Pennsylvania. I am not talking about treaty, but an ABM system that protects 75 percent of the Russian people surrounding Moscow, upgraded three times. Is the gentleman aware of that?

Mr. HOLT. I am aware that there is a system. It does not protect 75 percent of the Russian people.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would ask the gentleman, has the gentleman ever come to one of our 145 briefings on the issue? I have not seen him at one.

Mr. HOLT. I have had classified briefings on the subject.

Mr. WELDON of Pennsylvania. Personal briefings. I thank the gentleman.

Mr. HOLT. I do know something about the subject having studied and taught physics over many years.

In the vacuum above the Earth's atmosphere, it is almost trivial to set up decoys that would spoof such a system.

Mr. WELDON of Pennsylvania. Is the gentleman aware that we had a test occur October 2, 1999, where we launched an interceptor from Kwajalein that carried a 120-pound EXOatmospheric kill vehicle that intercepted a reentry vehicle and distinguished it from a decoy, distinguished it from a decoy successfully at 16,000 miles per hour 140 miles above the Pacific Ocean?

Is the gentleman aware of the test?

Mr. HOLT. I believe, if I am not mistaken, that was the test where the intercept vehicle tracked the decoy for a while.

Mr. WELDON of Pennsylvania. The thing is, it successfully distinguished the decoy from the reentry vehicle, hit it, and knocked it out, which is exactly the challenge we are pursuing. The gentleman just said we cannot do that. We have done it. If the gentleman would contact his own administration, he would find the facts.

□ 1815

Mr. HOLT. Mr. Chairman, I am aware of that test. I do not find it convincing and I certainly do not find the many failures that preceded and followed that convincing.

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

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

Mr. TIERNEY. Mr. Chairman, the point just is there was a statement made earlier that passing of this amendment would kill the program. I think that is a bit of an exaggeration on that. I cannot imagine for a second that if this amendment passed, that next year we would not see these numbers back in here and another attempt to put it in.

This amendment, according to the gentleman from Pennsylvania (Mr. MURTHA), this money may not be spent this fiscal year and likely will not be spent this year. So surely that is not going to kill it.

Mr. Chairman, we ought to talk about what this is. It is an amendment to reduce the procurement money to keep the R&D. And clearly, the research shows that it cannot work.

Mr. MARKEY. Mr. Chairman, the amendment offered by Representative TIERNEY and myself is quite simple. It would strike $74.5 million from the ''Defense-Wide Procurement'' funds in this defense appropriations act and return $29 million to the Defense Health Program. The only program that it would reduce is the National Missile Defense System.

Sixteen years ago we started this debate on a national missile defense system. Back then we had fanciful names for the components of the proposed missile defense system. We had ''brilliant pebbles'' to blind our senses with the wonders of our technological imagination. Of course, you had to have rocks in your head to believe it. This system was so imaginative we even named it ''Star Wars''. This umbrella of hydrogen-bomb-pumped lasers and kinetic kill vehicles was supposed to protect us against a full-scale Soviet nuclear missile attack.

Well, Mr. Chairman, there was a reason the name was based on Hollywood—the system was—and is—pure fiction. With time—and lots of money spent—only the names have changed. Today we are talking about procuring hardware for upgrades to early warning radars and X-band radars. Hardly the exotic names of the past. But the system is no less fanciful, just less effective.

No longer are we trying to protect against thousands of warheads. Now we hope to shoot down just ten or twenty. It seems the more money we spend, the less we plan to hit. With $60 billion in past research and development and another $60 billion in planned investment, we may be able to protect our country against 30 missiles.

Even after all this investment the technology still has a long way to go. In the simple tests we conducted, the system has not performed well. In one test the interceptor failed to hit the dummy target. In the other test, there was a hit, but only because the interceptor found the decoy, not the warhead. So today we're talking about procuring equipment for a system that still doesn't work, that has cost $60 billion and will cost at least another $30 billion. Most importantly, the Administration hasn't even made the decision to go forward with this latest summer rerun of ''Star Wars''.

Now there is one thing this system will definitely do. You see we are being asked to procure parts for a national missile defense system that might defend our country against a ballistic missile attack from a nation such as North Korea or Iran but will promote nuclear proliferation in Russia, China and other nonnuclear states eyeing the advisability of jumping the nuclear fence. In this case, it will be the vertical proliferation that characterized the arms build-up of the 80s.

Russia, we know, opposes any unilateral deployment of a National Missile Defense system that would violate the Anti-Ballistic Missile Treaty. If we go ahead and deploy unilaterally, the Russians have promised to withdraw from the arms control agreements that finally put a ceiling on the rising nuclear arms skyscrapers and started to take them down floor by floor.

Eliminating this system of treaties would have severe consequences for the safety and security of the United States. It could re-ignite the arms build-up that we have worked so hard to stop.

The opposition of China to a missile defense system could be an even bigger problem. Only two weeks ago this body voted to grant permanent normal trade relations with China, to increase and improve their economy. Are we going to spark a new arms spiral to make sure that their new economy is consumed by new weapons?

China has indicated that they will likely respond to a National Missile Defense system with an increase in missiles. On May 12, in the Washington Times, Sha Zukang, director of arms control and disarmament at the Chinese Foreign Ministry indicated, ''The proposed U.S. National Missile Defense could neutralize China's . . . arsenal and already has prompted Russia and China to begin discussions on ways to overcome it.''

How does this supposed ''defense'' system increase our security, if it leads to an offensive response from nations with proven nuclear ballistic missile systems? Remember, the greatest threat to U.S. security is still the mammoth nuclear arsenals in Russia and China. These are real rockets capable of real destruction not the maybe missiles of North Korea.

The American people understand this. In a recent poll conducted by the Pew Research Center For the People and The Press and the Pew Charitable Trust, when asked how they felt about missile defense if it jeopardizes arms reduction talks with Russia, 55% of respondents opposed missile defense and only 35% support it. The people have spoken, now it is time for this Congress to listen.

I urge members to support this amendment and halt the initial procurement for the national missile defense system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $3,000,000 only for microwave power tubes and to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $6,025,057,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,222,927,000, to remain available for obligation until September 30, 2002: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operation Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,760,689,000, to remain available for obligation until September 30, 2002: *Provided*, That none of the funds in this Act may be used to develop an ejection seat for the Joint Strike Fighter other than those developed under the Joint Ejection Seat Progam.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,918,997,000, to remain available for obligation until September 30, 2002.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KUCINICH:

Page 33, line 5, insert ''(reduced by $174,024,000)'' after the dollar amount.

Page 35, lines 10 and 11, insert ''(increased by $174,024,000)'' after the dollar amount.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) reserves a point of order.

Mr. KUCINICH. Mr. Chairman, my amendment would reduce spending for research, development and testing for the National Missile Defense System by 10 percent, about the same amount of the increase made by the committee for the Ballistic Missile Defense Organization over the budget request. It would increase the budget for the Defense Health Program by the same amount.

This bill includes a provision for $1.8 billion for a boondoggle called the National Missile Defense System. First, the system is a fraud on the taxpayer and a danger to arms reduction.

Second, the technology is not feasible, not testable, and therefore not reliable.

Third, it does not protect against real threats.

Fourth, it will destabilize our relations with our allies worldwide and will spark a new and expanded armed race.

Fifth, it violates years of work towards disarmament and nonproliferation.

And sixth, its sole purpose seems to be to line the pockets of military contractors.

Let me deal with a few of the many reasons why this whole idea is wrong. As many of my colleagues know, the National Missile Defense System depends on the system's ability to discriminate between the target warhead of an incoming missile and decoys. But according to the New York Times, the system failed those tests.

Quote from the Times: ''The Pentagon hailed the first intercept try as a success, but later conceded that the interceptor had initially drifted off course and picked out a decoy balloon rather than a warhead.'' That is because according to the Times, the system cannot tell the difference between warheads and decoys.

Experiments with the National Defense System have revealed that the system is ''inherently unable to make the distinction,'' and that is between the target warhead and decoys. The New York Times characterized the MIT scientists as saying that the signals from the ''mock warheads and decoys fluctuated in a varied and totally unpredictable way, revealing no feature that could be used to distinguish one object from the other.'' Indeed, The New York Times reported that ''the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart.''

So in other words, Mr. Chairman, the National Missile Defense does not work and cannot work because it inherently cannot tell the difference between warheads and decoys.

While the National Missile Defense is a technological failure and a fraud, it could potentially succeed in setting the stage for a worldwide arms race and dismantle past arms treaties. The NMD violates the central principle of the ABM Treaty, which is a ban on the deployment of strategic missile defenses. It will undermine the Nuclear Nonproliferation Treaty. It will negate the Anti-Ballistic Missile Treaty.

It will frustrate SALT II and SALT III. It will lead directly to proliferation by the nuclear nations. It will lead toward transitions toward nuclear arms for the nonnuclear nations. It will make the world less safe. It will lead to impoverishment of people of many nations as budgets are refashioned for nuclear arms expenditures.

That the United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile which can touch the continental United States argues for talks with North Korea, not the beginning of a new worldwide arms race.

President Clinton has recently returned from Russia and Europe in an effort to convince our allies that a U.S. Star Wars system is in their best interest, but many say this is simply not true. Many officials in the intelligence and scientific community have said otherwise. According to an article in the L.A. Times, high-ranking intelligence officials are set to offer a report that states deploying a Star Wars system could result in destabilizing events worldwide. I think this is significant, when the President's advisors

and the intelligence community are saying that it could result in instability and insecurity worldwide.

The Times indicates that the report is expected to state, and I agree, that such a deployment may result in a buildup of nuclear missiles worldwide and the spread of missile technology.

Mr. Chairman, we spent over $60 billion as a Nation on this failed system since 1985. Why spend another $60 billion? This system does not work. Here we are 15 years later, a scientist conducting a review says he could prove it does not work. Worst, claims have been made that the tests were fraudulently interpreted, which means that not only is there a question of fraud on the taxpayers, but a fraud on our national defense.

Scientists have sent letters to the White House regarding the fraud. The New York Times has printed articles about claims of fraud. After the articles were published, the Department of Defense slapped a ''classified'' label on the letter, so I cannot read that letter. I cannot read about the claims of fraud to this Congress, even though the claims have already been reported on by national newspapers of record, even though documented claims of fraud have been made by reputable scientists on a matter currently before this House.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

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

Mr. KUCINICH. Mr. Chairman, on a matter currently before this House where we are ready to appropriate nearly $2 billion for an antimissile system which does not work. We have a classification label slapped onto this to cover up what? Fraud?

Not only has the system already cost $60 billion. At this very moment, this House and the taxpayers are going to fork over another $2 billion now and another $58 million later?

The American taxpayers and this Congress have a right to know about claims of fraud, about claims of a tricked-up test result, about whether those tests have been rigged to defraud the American taxpayer. The House has a right to know. The taxpayers have a right to know. Why the secrecy about claims of fraud on the taxpayer?

Mr. Chairman, if my colleagues are for this antimissile system, it is their obligation to find out if it works and if there is fraud.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) insist on his point of order?

Mr. LEWIS of California. I do, Mr. Chairman. I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act, as amended.

The CHAIRMAN. Does the gentleman from Ohio (Mr. KUCINICH) wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I do.

The CHAIRMAN. The gentleman may proceed.

Mr. KUCINICH. Mr. Chairman, I would like to respond. This amendment is merely perfecting the number on an unauthorized account by increasing it. This is within the rule, because it merely perfects a number. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill and prohibiting reappropriations in a general appropriations bill. Therefore, an appropriations bill put in breach by the rule is allowed to remain.

Mr. Chairman, I will read that again. An appropriations bill put in breach by the rule is allowed to remain, so amendments that increase are permitted.

Clause 2(f) of rule XXI states that when we are reaching ahead to increase a program, the CBO must determine budget authority and outlay neutrality. This amendment has been scored by the CBO and has the CBO-determined budget authority and outlay neutrality. This amendment is within the rules of this House. I have the CBO table for the record.

On the note of that according to CBO, if one looks at the entire effect of this amendment, it is outlay neutral. In the end, there is no outlay effect. But for each individual year, there may be an outlay effect.

I would ask a question of the Parliamentarian, and that is if an amendment has an effect on outlays per year but does not change the overall end effect of the bill, is it outlay neutral?

The CHAIRMAN. The Chair will not entertain the question to the Parliamentarian. The gentleman may continue discussing the point of order.

Mr. KUCINICH. Mr. Chairman, I would state then my insistence that this amendment is in order. That if the Parliamentarian had reviewed it, or did review it, he would see that the amendment has an effect on outlays per year, but does not change the overall end effect of the bill. It is outlay neutral.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The gentleman from California makes a point of order under section 302(f) of the Budget Act which constrains budget authority.

The amendment provides no net new budget authority. That it may not be neutral on outlays is of no moment under section 302(f) of the Budget Act. The point of order is overruled.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word. I am not going to take the full 5 minutes, but this is another amendment that is in my opinion a mischievous amendment.

Mr. Chairman, we have had 145, 150 classified hearings, open hearings, and briefings. The gentleman from Ohio mentioned that there were some secrets. I have never seen the gentleman, my good friend and colleague, at any briefing in 150 of them over 6 years. Not one on missile defense. I have chaired them all. I have not seen him at one.

Now, that does not mean he is not a good Member, because he is a friend of mine. But if he wants to have access to classified information, he can have all the classified information he wants. If he wants a letter that is classified, we will get it for him. If he wants to have a classified briefing, as we did on the House floor last year, he can get it. All of that information is available.

Mr. Chairman, in the committee, Members of both parties have attended. All of those briefings were attended by Members of both parties. It was not like the Republicans only did a briefing without the minority. The minority has been in the lead on some of these investigations.

To say that somehow that we are trying to keep something secret, or that one scientist out of perhaps a couple hundred thousand has the answer, I think is a little shortsighted and naive.

In terms of what this amendment would do, the gentleman takes the money out of the research accounts. We have already cut the research accounts in the military budget by 25 percent over the past 8 years. There has been a 25 percent reduction. I want to remind my colleague, the bulk of the money that we have cut in terms of R&D goes to universities. The 6.1, 6.2, and 6.3 account lines of the Defense budget are all R&D in the science and technology account lines. They go to all of our universities. They go to Harvard, and they go for basic research in basic technology areas, in the composites area, in physics.

The other thing I would say to the gentleman from Ohio, my colleague and my friend, is that he mentioned the research on missile defense. I would cite at least six examples that I have in front of me that I jotted down off the top of my head of technology that is used for medical purposes that would not have been developed except it was spun off from technology being used to develop missile defense capabilities.

One of those technologies developed through an SBIR program allows us now to understand the problems of nearsightedness. Using technology that was developed for our missile defense system now helps people be treated that have nearsightedness problems. There are many breakthroughs that have occurred from the spin-offs of these technologies that would be cut by this, besides the original intent of this, which is to allow us to fully fund a robust R&D program.

☐ 1830

I agree with the gentleman. We do not want to waste money. I do not want to waste money. He understands, and he and I both know that. I do not want to do anything to create a provocation with the Russians. My friend and colleague knows that. We went to

Vienna together. We sat across the table from the Russian leadership for 2 days.

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

Mr. WELDON of Pennsylvania. I am happy to yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I would like to state my affection for the gentleman from Pennsylvania (Mr. WELDON), my respect for his sagacity, his knowledge of these issues. I think this is an important debate. I think that those of us who, for the last 15 years, have been watching this who perhaps have not had the opportunity to attend any of the gentleman's meetings can still develop a point of view based on information that we receive independently that can achieve a level of debate which this House is entering into.

Of course my main point is what we know right now. We have a lot of information that suggests there is serious questions as to whether the system works or not which is even before we get into the feasibility of it on a national defense basis.

But I want to reiterate my great respect for the gentleman from Pennsylvania (Mr. WELDON), and my appreciation for his commitment to the defense of our country.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would just say in closing, I will invite the gentleman from Ohio (Mr. KUCINICH) to attend any session he wants. I will arrange for a full-scale briefing with every leader in this program in his office at a classified level to answer any question the gentleman has.

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

Mr. Chairman, I strongly support real steps to protect the American public from nuclear holocaust such as the de-alerting of nuclear weapons, the START process, the Cooperative Threat Reduction Program. And the most significant obstacle to meaningful nuclear arms control right now is the National Missile Defense program, the sequel to President Reagan's Star Wars fantasy.

The administration has told us that the decision on whether to deploy Star Wars II will be based on four criteria: the technical progress of the system, the cost, an assessment of the threat, and the impact of deployment on existing treaties, and arms control efforts. I believe in each of these areas, the evidence clearly leads to a decision to reject deployment.

With respect to the impact of deployment on arms control, the proposed missile defense clearly violates the ABM treaty which is the foundation of real arms control efforts, including the START reductions. Deployment will also violate the spirit, if not the letter of the Non-Proliferation Treaty, particularly Article VI.

Even our closest allies in Europe have voiced opposition to deployment. A February 15 article in the International Herald Tribune reported that ''European governments without exception oppose the U.S. anti-missile project.''

With respect to the real or perceived threat, the threat of a limited missile attack from a rogue state is overstated. The CIA's own analysis is revealing. They reported that ''U.S. territory is probably more likely to be attacked with weapons of mass destruction by nonmissile delivery means than by missiles, primarily because nonmissile delivery means are less costly and more reliable and accurate.''

The last point is very important because Star Wars II advocates must ignore reality and assume two things. First, that the threat of massive retaliation by the United States is no longer a valid deterrent. Second, that a country with the advanced technical capability to build a weapon of mass destruction and the missile technology to deliver it will not be able to figure out how to sneak a bomb into the United States on a boat.

With respect to the cost, since President Reagan announced his strategic defense initiative, we have spent more than $60 billion on researching technical means of hitting a bullet with a bullet. The current estimate for deployment is another $60 billion, bringing the total cost to the program at least $120 billion.

While such a staggering sum is undoubtedly of considerable interest to the weapons industry, it is also, in the final sense, a theft from programs designed to meet human needs. In fact, if we decide to pursue this program, in the end, it will cost every American family $1,760.56. This is welfare for some of the wealthiest corporations in the country paid for by working Americans.

With respect to technological assessment, the most recent independent analysis, a study conducted by the Union of Concerned Scientists and MIT found that the hit-to-kill technology of NMD can be easily fooled by countermeasures using existing technology.

An independent panel headed by retired Air Force General Larry Welch said that the deployment decision should not be made until 2003, after testing how the various components of the system work together. The panel characterized Congress' push for early deployment as a rush to failure.

I believe the jury is regarding each of these criteria. To date, proven arms control efforts have eliminated thousands of Russian nuclear weapons aimed at American cities, saving the taxpayers billions of dollars. Conversely, despite the billions wasted on development, NMD has not eliminated a single missile, and it never really will.

Mr. Chairman, there are active and robust government and nongovernment programs in place that are doing more to reduce the threats from rogue states or terrorists right now than Star Wars ever will. They include efforts by USAID, USIA, the State Department, National Endowment for Democracy, the Asia Foundation. U.S. NGOs, including the Carter Center, universities, unions, faith-based organizations, research and policy institutions are among the most active in the world in promoting democracy and goodwill.

Ultimately the security of America is not served by a neo-isolationist fortress America type of foreign policy. If we truly seek to promote democracy and enhance the security of all Americans, we should divert some of the billions that we waste on programs like this and instead invest it on agencies and organizations that are capable of doing the job.

I urge a yes vote on the Kucinich amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words, and I rise to support this amendment.

Sooner or later, this Congress will come to grips on what really defines our national security and realize that it is not billions and billions of dollars to build a national defense system that will not work. A national defense system or Star Wars II will create greater instability and accelerate nuclear proliferation.

As I mentioned earlier, the Union of Concerned Scientists and the American Physical Society have both pointed out that, in addition to economic questions, in addition to geo-political questions, and in addition to moral questions, it just will not work.

Our national security needs really should be defined by how our budget priorities guarantee the security of our children and our families. Two hundred seventy-five thousand homeless veterans do not go to bed at night secure. Forty-four million Americans with no health insurance do not go to bed at night secure. Children who have no future because we have not invested in their education do not go to bed at night secure.

During the 1970s and 1980s and 1990s, we listened to my predecessor Congressman Ron Dellums set forth a clear analysis and profound arguments in opposition to an escalating military budget and to Star Wars and to raise our awareness to the fact that a strong and secure America is not based upon how many missiles we build but rather upon how secure Americans are from within our own borders.

It was true then. It is true now. Spending billions and billions of dollars on a national missile defense system that will not work takes us in the wrong direction.

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

Mr. Chairman, I rise today in support of the amendment of the gentleman from Ohio (Mr. KUCINICH) to the defense bill. Like my colleague, I have grave concerns about this bill's funding commitment for ballistic missile defense programs.

But before I tell my colleagues what my reservations are, I have to make an observance. This observance is that we could take the investment we make in the ballistic missile defense program, and that alone would be a great down payment in waging peace. We do not even talk about that on this floor.

What if we invested an equal amount of time debating how we can get to peace, we the United States and the rest of the global community? That would be a real investment, Mr. Chairman. That would be an investment in our national security.

Now, about this anti-missile system program. Let us face it, this program is not anti-missile. It is anti-woman, anti-children, and anti-family. It takes valuable resources from urgent civilian needs that also affect national security.

Instead of investing in a national missile defense program, we should be spending our scarce financial resources in our real domestic needs, like our children's education, our seniors and their health care, our families and their security, and a debate on waging peace.

Our current nuclear arsenal costs about $35 billion annually. It is approximately 13 times the budget for the National Cancer Institute. It is also 120 times the amount spent annually on domestic violence, on battered women's shelters, and on runaway youths.

Mr. Chairman, if the past is prologue, prior poor management and oversight of nuclear weapons programs have cost hundreds of billions of dollars that contributed little or nothing to defense and deterrence. I wonder what the American tax payers are going to get from this investment.

Since 1940, the United States has spent $5.8 trillion on nuclear weapons programs, more than any single program except Social Security. The U.S. has already spent more than $100 billion on missile defenses with very little to show, if anything. So why would we continue to throw good money after bad?

For example, the U.S. spent over $21 billion on the safeguard anti-ballistic missile system that was ultimately cancelled because high operational costs eclipsed the limited defense benefits. We also wasted $12.5 billion on the development of the B–1A bomber that was cancelled, and $12.5 billion for four B–1A bomber planes, two of which crashed.

Also, the nuclear aircraft propulsion program cost taxpayers $7 billion, only to be cancelled due to poor management, technical problems, and the lack of a clear mission. Finally, the Midgetman, small ICBM, cost taxpayers over $5.5 billion, only to be cancelled due to a lack of need and the end of the Cold War.

Considering this poor track record, it is outrageous that funding for ballistic missile defense programs is still being debated. Even more so considering several Pentagon officials studying the NMD proposal have expressed reservation that it is unnecessary and it would be ineffective.

The last reason for my concern, Mr. Chairman, about the national missile defense program is its grave implications for current arms control agreements. In order for this administration to proceed with a national missile defense, the anti-ballistic missile treaty may have to be modified.

For the past several decades, this treaty has been the cornerstone of efforts to contain, reduce, and abolish nuclear weapons. We should all be concerned about funding a program that requires any thought of abandoning our prior commitments to nuclear disarmament agreements.

Mr. Chairman, I have come to the well of this House to comment on our misplaced priorities as far as nuclear weapons programs are concerned. I commend the gentleman from Ohio (Mr. KUCINICH) for offering this amendment that will free up funds in unneeded nuclear weapons funding.

I urge my colleagues to support this amendment.

□ 1845

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; policy and guidance for the Department's overall test and evaluation functions; test and evaluation infrastructure investment and oversight; specialized assessment capabilities; and administrative expenses in connection therewith, $242,560,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $916,276,000: *Provided*, That during fiscal year 2001, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), $400,658,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $12,143,029,000, of which $11,525,143,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which $290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which $327,880,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation, and of which $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $927,100,000, of which $607,200,000 shall be for Operation and maintenance to remain available until September 30, 2002, $105,700,000 shall be for Procurement to remain available until September 30, 2003, and $214,200,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $812,200,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $147,545,000, of which $144,245,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $3,300,000 to remain available until September 30, 2003, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $224,181,000, of which $22,577,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: *Provided*, That of the funds appropriated under this heading, $33,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2003, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $6,950,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M2A3 Bradley fighting vehicle; DDG–51 destroyer; and UH–60/CH–60 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2001, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or Tricare shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

Sec. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided,* That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided,* That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2001, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided,* That of the specific amount referred to previously in this subsection, not more than 1,009 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8033. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8034. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8035. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8036. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8037. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8038. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for

that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8039. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8041. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8042. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8043. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2002 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8044. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2002: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8045. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8046. Of the funds appropriated by the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8047. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8048. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8049. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8050. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8051. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8052. Funds appropriated by this Act and in Public Law 105–277, or made available by the transfer of funds in this Act and in Public Law 105–277 for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8053. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8054. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

''Aircraft Procurement, Army, 2000/2002'', $7,000,000;

''Missile Procurement, Army, 2000/2002'', $6,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002'', $7,000,000;

''Procurement of Ammunition, Army, 2000/2002'', $5,000,000;

''Other Procurement, Army, 2000/2002'', $16,000,000;

''Aircraft Procurement, Air Force, 2000/2002'', $32,700,000;

''Missile Procurement, Air Force, 2000/2002'', $5,500,000;

''Other Procurement, Air Force, 2000/2002'', $6,400,000;

''Research, Development, Test and Evaluation, Army, 2000/2001'', $19,000,000;

''Research, Development, Test and Evaluation, Air Force, 2000/2001'', $42,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2000/2001'', $33,900,000:

Provided, That these reductions shall be applied proportionally to each budget activity,

activity group and subactivity group and each program, project and activity within each appropriation account: *Provided further,* That the following additional amounts are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

''Shipbuilding and Conversion, Navy, 1998/2002'', SSN–21 attack submarine program, $74,000,000;

''Other Procurement, Army, 1999/2001'', $3,000,000;

''Weapons Procurement, Navy, 1999/2001'', $22,000,000;

''Aircraft Procurement, Air Force, 1999/2001'', $12,300,000;

''Missile Procurement, Air Force, 1999/2001'', $20,000,000;

''Other Procurement, Air Force, 1999/2001'', $8,000,000;

''Missile Procurement, Army, 2000/2002'', $150,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002'', $60,000,000;

''Other Procurement, Army, 2000/2002'', $29,000,000;

''Aircraft Procurement, Navy, 2000/2002'', $6,500,000;

''Missile Procurement, Air Force, 2000/2002'', $6,192,000;

''Other Procurement, Air Force, 2000/2002'', $20,000,000;

''Research, Development, Test and Evaluation, Army, 2000/2001'', $52,000,000;

''Research, Development, Test and Evaluation, Air Force, 2000/2001'', $30,000,000; and

''Reserve Mobilization Income Insurance Fund'', $17,000,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8056. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8057. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided,* That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further,* That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8058. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided,* That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8059. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2000 level: *Provided,* That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8060. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,222,000,000.

SEC. 8061. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8062. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8063. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8064. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8065. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8066. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8067. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8068. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided,* That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8069. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority

of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. None of the funds provided in title II of this Act for ''Former Soviet Union Threat Reduction'' may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than $10,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2001.

SEC. 8079. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8080. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8081. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8082. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8083. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8084. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $800,000,000 to reflect working capital fund cash balance and rate stabilization adjustments, to be distributed as follows:

''Operation and Maintenance, Army'', $40,794,000;

''Operation and Maintenance, Navy'', $271,856,000;

''Operation and Maintenance, Marine Corps'', $5,006,000;

''Operation and Maintenance, Air Force'', $294,209,000;

''Operation and Maintenance, Defense-Wide'', $10,864,000;

''Operation and Maintenance, Navy Reserve'', $31,669,000;

''Operation and Maintenance, Marine Corps Reserve'', $563,000;

''Operation and Maintenance, Air Force Reserve'', $43,974,000;

''Operation and Maintenance, Army National Guard'', $15,572,000; and

''Operation and Maintenance, Air National Guard'', $85,493,000.

SEC. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

(d) Section 8093(d) of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253), is amended by inserting ''design, manufacture, or'' after ''obligated or expended for''.

SEC. 8088. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That of these funds, $300,000 shall be made available to establish and operate a distance learning program: *Provided further*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8089. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for two years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8090. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

SEC. 8091. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8092. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $537,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

''Military Personnel, Army'', $114,600,000;

''Military Personnel, Navy'', $36,900,000;

''Military Personnel, Marine Corps'', $9,700,000;

''Military Personnel, Air Force'', $83,600,000;

''Operation and Maintenance, Army'', $177,500,000;

''Operation and Maintenance, Navy'', $31,600,000;

''Operation and Maintenance, Marine Corps'', $1,600,000;

''Operation and Maintenance, Air Force'', $53,500,000;

''Operation and Maintenance, Defense-Wide'', $15,300,000; and

''Defense Health Program'', $13,300,000.

SEC. 8093. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8094. Of the funds made available in this Act, not less than $65,200,000 shall be available to maintain an attrition reserve force of 23 B–52 aircraft, of which $3,200,000 shall be available from ''Military Personnel, Air Force'', $36,900,000 shall be available from ''Operation and Maintenance, Air Force'', and $25,100,000 shall be available from ''Aircraft Procurement, Air Force'': *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 23 attrition reserve aircraft, during fiscal year 2001: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8095. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8096. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8097. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term ''custodial care'' shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8098. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8099. (a) REGISTERING INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) Architecture Framework.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8100. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8101. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8102. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8103. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8104. In addition to the amounts provided elsewhere in this Act, the amount of $5,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available, notwithstanding any other provision of law, only for a grant to the High Desert Partnership in Academic Excellence Foundation, Inc., for the purpose of developing, implementing, and evaluating a standards and performance based academic model at schools administered by the Department of Defense Education Activity.

SEC. 8105. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8106. During the current fiscal year, the Secretary of Defense shall fully identify any health care contract liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs during the budget year of execution: *Provided*, That the Secretary of Defense shall provide a report to the congressional defense committees which fully details the extent of such health care contract liabilities, requests for equitable adjustment and claims for unanticipated healthcare contract costs not later than March 1, 2001: *Provided further*, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department's planning, programming and budgeting process: *Provided further*, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8107. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8109. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $463,400,000 to reflect stabilization of the balance available in the ''Foreign Currency Fluctuation, Defense'' account, to be distributed as follows:

''Military Personnel, Army'', $40,200,000;

''Military Personnel, Navy'', $70,200,000;

''Military Personnel, Marine Corps'', $27,700,000;

''Military Personnel, Air Force'', $92,700,000;

''Operation and Maintenance, Army'', $137,300,000;

''Operation and Maintenance, Navy'', $34,800,000;

''Operation and Maintenance, Marine Corps'', $4,400,000;

''Operation and Maintenance, Air Force'', $35,500,000;

''Operation and Maintenance, Defense-Wide'', $11,500,000; and

''Defense Health Program'', $9,100,000.

SEC. 8110. None of the funds provided in title III of this Act may be obligated for F–16 aircraft modifications until the Secretary of the Air Force submits a report to the congressional defense committees detailing a plan to assign, no later than the first quarter of fiscal year 2002, F–16 Block 40 aircraft, or

later model F–16 aircraft, to Air National Guard units which were deployed to Operation Desert Storm.

SEC. 8111. (a) REPORT TO THE CONGRESSIONAL DEFENSE COMMITTEES.—Not later than May 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on work-related illnesses in the Department of Defense workforce, including the workforce of Department contractors and vendors, resulting from exposure to beryllium or beryllium alloys.

(b) PROCEDURE, METHODOLOGY, AND TIME PERIODS.—To the maximum extent practicable, the Secretary shall use the same procedures, methodology, and time periods in carrying out the work required to prepare the report under subsection (a) as those used by the Department of Energy to determine work-related illnesses in the Department of Energy workforce associated with exposure to beryllium or beryllium alloys. To the extent that different procedures, methodology, and time periods are used, the Secretary shall explain in the report why those different procedures, methodology, or time periods were used, why they were appropriate, and how they differ from those used by the Department of Energy.

(c) REPORT ELEMENTS.—The report shall include the following:

(1) A description of the precautions used by the Department of Defense and its contractors and vendors to protect their current employees from beryllium-related disease.

(2) Identification of elements of the Department of Defense and of contractors and vendors to the Department of Defense that use or have used beryllium or beryllium alloys in production of products for the Department of Defense.

(3) The number of employees (or, if an actual number is not available, an estimate of the number of employees) employed by each of the Department of Defense elements identified under paragraph (2) that are or were exposed during the course of their Defense-related employment to beryllium, beryllium dust, or beryllium fumes.

(4) A characterization of the amount, frequency, and duration of exposure for employees identified under paragraph (3).

(5) Identification of the actual number of instances of acute beryllium disease, chronic beryllium disease, or beryllium sensitization that have been documented to date among employees of the Department of Defense and its contractors and vendors.

(6) The estimated cost if the Department of Defense were to provide workers' compensation benefits comparable to benefits provided under the Federal Employees Compensation Act to employees, including former employees, of Government organizations, contractors, and vendors who have contracted beryllium-related diseases.

(7) The Secretary's recommendations on whether compensation for work-related illnesses in the Department of Defense workforce, including contractors and vendors, is justified or recommended.

(8) Legislative proposals, if any, to implement the Secretary's recommendations under paragraph (7).

SEC. 8112. Of the amounts made available in title II of this Act for ''Operation and Maintenance, Army'', $1,900,000 shall be available only for the purpose of making a grant to the San Bernardino County Airports Department for the installation of a perimeter security fence for that portion of the Barstow-Daggett Airport, California, which is used as a heliport for the National Training Center, Fort Irwin, California, and for installation of other security improvements at that airport.

SEC. 8113. The Secretary of Defense may during the current fiscal year and hereafter carry out the activities and exercise the authorities provided under the demonstration program authorized by section 9148 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1941).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated under the heading ''Research, Development, Test and Evaluation, Army'' in title IV of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) for the Grizzly minefield breacher program, $15,000,000 is hereby transferred to ''Procurement of Weapons and Tracked Combat Vehicles, Army'', in title III of the Department of Defense Appropriations Act, 2000, and shall be available only for the Wolverine heavy assault bridge program: *Provided,* That funds transferred pursuant to this section shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That not later than 60 days after the enactment of this Act, the Department of the Army shall, from within funds available under the heading ''Procurement of Weapons and Tracked Combat Vehicles, Army'', in the Department of Defense Appropriations Act, 2000, obligate $97,000,000 for procurement of the Wolverine heavy assault bridge program.

SEC. 8115. (a)(1) None of the funds described in paragraph (2) that are provided in title III of this Act for the Department of the Army to procure a second brigade set of Interim Armored Vehicles (also referred to as the Family of Medium Armored Vehicles) and other equipment to support the fielding of a second new interim brigade combat team (hereinafter in this section referred to as a ''medium brigade'') may be obligated or expended until the Secretary of Defense submits to the congressional defense committees, after February 1, 2001, a certification of the following:

(A) That the fiscal year 2002 budget of the Department of Defense submitted as part of the budget of the President for fiscal year 2002 (including any amendment or supplement to such budget) fully funds the fiscal year 2002 procurement costs, development costs, and initial year operation and maintenance costs associated with the procurement and fielding of two additional new medium brigades (in addition to those for which funds are provided in this Act and previous appropriations Acts).

(B) That the Future Years Defense Plan (FYDP) current at the time of such budget submission includes amounts to fully fund the procurement costs, the development costs, and the operation and maintenance costs associated with the procurement and fielding of at least two additional medium brigades per fiscal year covered by that Future Years Defense Plan.

(C) That the Director of Operational Test and Evaluation of the Department of Defense has approved the Test and Evaluation Master Plan for the Interim Armored Vehicle.

(2) The funding provided in title III of this Act to support the fielding of a second new medium brigade that is subject to the limitation in paragraph (1) is the amount of $600,000,000 provided under the heading, ''Procurement of Weapons and Tracked Combat Vehicles, Army'', and the amount of $200,000,000 provided under the heading ''Other Procurement, Army'', for procurement of equipment for a second medium brigade, as set forth in the report of the Committee on Appropriations of the House of Representatives accompanying the Department of Defense Appropriations Act for fiscal year 2001.

(b) Not later than 90 days after the date of the source selection for the Interim Armored Vehicle program (also referred to as the Family of Medium Armored Vehicles program), the Secretary of the Army shall submit to the congressional defense committees a detailed report on that program. The report shall include the following:

(1) The required research and development cost for each variant of the Interim Armored Vehicle to be procured and the total research and development cost for the program.

(2) The major milestones for the development program for the Interim Armored Vehicle program.

(3) The production unit cost of each variant of the Interim Armored Vehicle to be procured.

(4) The total procurement cost of the Interim Armored Vehicle program.

(c) The Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report (in both classified and unclassified versions) on the joint warfighting requirements to be met by the new medium brigades for the Army. The report shall describe any adjustments made to operational plans of the commanders of the unified combatant commands for use of those brigades. The report shall be submitted at the time that the President's budget for fiscal year 2002 is transmitted to Congress.

(d) In this section, any reference to the budget of the President for fiscal year 2002 refers to a budget transmitted to Congress under section 1105 of title 31, United States Code, after January 20, 2001.

SEC. 8116. None of the funds made available in this Act or the Department of Defense Appropriations Act, 2000 (Public Law 106–79) may be used to award a full funding contract for low-rate initial production for the F–22 aircraft program until—

(1) the first flight of an F–22 aircraft incorporating Block 3.0 software has been conducted;

(2) the Secretary of Defense certifies to the congressional defense committees that all Defense Acquisition Board exit criteria for the award of low-rate initial production of the aircraft have been met; and

(3) upon completion of the requirements under (1) and (2) above, the Director of Operational Test and Evaluation submits to the congressional defense committees a report assessing the adequacy of testing to date to measure and predict performance of F–22 avionics systems, stealth characteristics, and weapons delivery systems.

SEC. 8117. (a) The total amount expended by the Department of Defense for the F–22 aircraft program (over all fiscal years of the life of the program) for engineering and manufacturing development and for production may not exceed $58,028,200,000. The amount provided in the preceding sentence shall be adjusted by the Secretary of the Air Force in the manner provided in section 217(c) of Public Law 105–85 (111 Stat. 1660). This section supersedes any limitation previously provided by law on the amount that may be obligated or expended for engineering and manufacturing development under the F–22 aircraft program and any limitation previously provided by law on the amount that may be obligated or expended for the F–22 production program.

(b) The provisions of subsection (a) apply during the current fiscal year and subsequent fiscal years.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 113, line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 8118. JOINT STRIKE FIGHTER PROGRAM.—(a) REPORTS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Joint Strike Fighter (JSF) aircraft program. The report shall include a detailed description of any change or modification to that program made since the submission of the President's budget for fiscal year 2001, including any such change or modification initiated by the Department of Defense and any such change or modification resulting from congressional action on the fiscal year 2001 budget for the Department of Defense. The report shall also include the following:

(A) The acquisition strategy for the Joint Strike Fighter program, including the estimated total program costs for development and for production, the program development schedule, and the planned production profile.

(B) If applicable, the effect of any revisions to that acquisition strategy on the average unit cost of the Joint Strike Fighter aircraft when compared to the original acquisition strategy for that program.

(C) Results derived to date from the concept demonstration/validation phase of the program, including available data from flight tests of demonstration aircraft.

(D) An assessment of the degree to which the concept demonstration/validation phase has addressed key aircraft and aircraft subsystem performance parameters before a source selection decision is made and the engineering and manufacturing development (EMD) phase of the program is begun.

(E) The strategy of the Department for insertion of technology into the Joint Strike Fighter aircraft, including details regarding when critical subsystems to be incorporated on the aircraft are to be demonstrated in a prototype configuration (either before or in the early stages of Engineering and Manufacturing Development).

(2) Not later than March 30, 2001 (and not earlier than February 1, 2001), the Secretary of Defense shall submit to the congressional defense committees a second report on the acquisition plan for the Joint Strike Fighter aircraft program. That report shall address each of the matters specified in paragraph (1) as of the time of that report, as well as any additional changes to that acquisition plan that have been made as a consequence of the fiscal year 2002 Department of Defense budget (as submitted as part of the budget of the President for fiscal year 2002 transmitted under section 1105 of title 31, United States Code, after January 20, 2001) and the accompanying Future Years Defense Plan (as well as any amendment to the Department of Defense budget submitted before the submission of the report).

(b) ENGINEERING AND MANUFACTURING DEVELOPMENT.—Consistent with funds provided in title IV of this Act, none of the funds provided in this Act may be used to award a contract for engineering and manufacturing development (EMD) of the Joint Strike Fighter aircraft program—

(1) before the later of—

(A) June 1, 2000; and

(B) the date of the submission of each of the reports required by subsection (a); and

(2) until the Secretary of Defense certifies to the congressional defense committees that the Joint Strike Fighter engineering and manufacturing development program is fully funded in the Future-Years Defense Plan for each of the principal Department of Defense participants in the Joint Strike Fighter program.

AMENDMENT OFFERED BY MR. DEFAZIO

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

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, on a total of three or more occasions after the date of the enactment of this Act, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order, and the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would hope the gentleman does not insist on his point of order, because the amendment that is before the House now, which I am offering, would provide for ''three strikes and you're out'' for defense contractors who are convicted of government procurement related fraud only. They can have other offenses of law against their employees, environmental laws, any other Federal law, but more than three government procurement-related fraud convictions would suspend them from bidding on government contracts.

I have quite a list of firms here, which I am not going to read through in its entirety, obviously; but the list, from 1988 to 1999, of several hundred convictions consists of $1.125 billion in penalties on firms for both civil and criminal fraud in the area of procurement.

I believe that if we are talking about having the best most effective military we can have, the best weapon systems, the most cost-effective weapon systems, and having money adequate to provide training for our young men and women in uniform, we should do everything we can to squeeze fraud out of the system. Fraud is occurring, regularly occurring. Many would be shocked by the numbers and the names on this list, which is available through the Government Accounting Office.

If the gentleman's point of order prevails, I will have to offer another amendment on this subject which would provide for ''one strike and you're out,'' which is in order and would also be retroactive. My legislation which is before us now would be ''three strikes and you're out,'' and it is not retroactive. So these hundreds of prior convictions would be forgiven, but the message would be sent to these defense contractors that we will no longer allow them to freely commit fraud in procurement; and if they do, the fourth time they do, they would be barred from further procurement for some period of time. The bill is not specific on the period of time for which they would be barred. There would be discretion available under existing law to the Secretary.

I cannot see how anybody could raise an argument against this. Yes, someone can make a point of order and reduce it down to one strike and make it retroactive, which would of course disbar most of our existing contractors, because many have one, two, three or more convictions for prior fraud; but I would hope that everybody here is concerned about fraud.

I believe this amendment could be crafted in a way that it would not be deleterious to our national defense. I would hope that the committee would accept the amendment and then perhaps rework it in a conference committee. I attempted to offer this amendment during the authorizing process, and I was precluded by the rule in offering a more sophisticated version of this amendment which would have dealt with a number of the questions that I am certain are going to be raised by members of the committee here. I had hoped to be able to do that during the authorizing process. I was not allowed to offer that amendment by the Committee on Rules, though it was submitted on a timely basis to the Committee on Rules.

How can anybody defend continuing fraud? We have limited resources. Some of the fraud jeopardizes the safety of our troops; some of it goes to quality; some of it goes just to ripping off the Federal taxpayers. Either way, we cannot defend it; and we should bring an end to it. So I would suggest strongly that the gentleman withdraw his point of order, accept the amendment, and if they have some problems with some of the details, certainly those details could be provided for in conference with the Senate.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes a change in existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2, rule XXI.

The CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. DEFAZIO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized.

Mr. DEFAZIO. Mr. Chairman, the amendment does not impose any new requirements on

the Secretary of Defense or contracting officers. Therefore, it is not legislating.

According to the Federal Acquisition Regulations, FAR 9.409(a), when the contract value is expected to exceed $25,000, contractors are required to disclose honestly, they are already required to disclose honestly, the existence of indictments, charges, convictions, or civil judgments against them in the area of procurement.

Further, the contracting officer can come back to the contractor and request specific information on the indictments, charges, convictions, or civil judgments in order to evaluate the business integrity of a contract.

This is all under existing law. My amendment is a limitation amendment that merely states if an entity, if a contractor, which again they are required to do under the FAR, admits to more than three convictions for civil or criminal fraud, then the taxpayer dollars spent by the Pentagon cannot be used to support that contractor because of their criminal behavior.

The amendment lists a number of offenses that would trigger the contract prohibition. These provisions in my amendment were taken directly from the FAR 9.406–2. So, again, there is no new legislating or authorizing going on in this amendment.

I would say that many and most all Members of this House voted for ''three strikes you're out'' on Federal crimes against persons or the State. I would suggest that it would be appropriate to extend that principle to the very critical area of defense.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The amendment offered by the gentleman from Oregon imposes a new burden on the Secretary of Defense by requiring him to discover the number of times an entity seeking to enter a contract with funds under this act has committed certain violations of law. While current law already imposes a duty on the Secretary to be apprised whether such violations have occurred, it does not require him to keep a tally.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI and the amendment is not in order. The point of order is sustained.

AMENDMENT OFFERED BY MR. DEFAZIO

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

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

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

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

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I had hoped to not be required to offer an amendment which would disbar contractors for committing criminal or civil fraud in procurement from the Federal taxpayers in doing business with the Pentagon, and do that with only one offense. I was willing to give them both the opportunity to amend their ways, that is to say, it would not be retroactive. And, secondly, that it would allow three strikes, the same thing allowed in many criminal cases against persons under Federal law.

What message are we sending here tonight if the committee objects to this amendment? We have had extensive and emotional discussion about the lack of resources for our young men and women in uniform. What message are we sending to them saying the next time a contractor provides a piece of equipment that does not meet specifications and endangers their lives, their mission, that could strand them behind enemy lines.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would just advise the gentleman that I did not reserve a point of order against this wonderful amendment that he is now presenting.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I did not say that the gentleman had. What I said is that the gentleman prevailed on his point of order against the first one, so now I must offer one that goes to one strike, which I admit is very rigorous.

But the point I am making is what message are we sending to defense contractors who have committed fraud, and the list is long and it is ongoing, according to the Government Accounting Office, if we say to them we are not going to crack down on you; keep committing fraud, fraud that endangers the lives of young men and women in the military with substandard equipment, fraud that drains precious tax dollars from the training the gentleman from California so eloquently talked about earlier, fraud that takes resources away from the American people, their tax dollars, and diverts it into the coffers that have not been earned by defense contractors? What message are we sending if we cannot crack down on fraud?

I cannot believe that Members would vote against such an amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, would this amendment apply to the allegations against the Loral Corporation and Bernard Schwartz and the technology transfer to China?

Mr. DEFAZIO. Reclaiming my time, Mr. Chairman, we have Loral down here on 12/8/89, $1.5 million, procurement fraud. The gentleman asked about a specific firm, and I was not going to read specific firms, but Loral has one conviction in 1989. I am looking to see if there are subsequent convictions of Loral.

Oh, yes. Loral Electric Systems, DEFective pricing, 10/95, $1.55 million. Loral only seems to have two convictions. So under my previous amendment, they would not have been barred, and I do not know if there is pending litigation against them, but many other firms would be. Although under the modified amendment, which is in order, they would be barred because they have two convictions.

So I would hope that the gentleman from California (Mr. LEWIS) would reconsider. If he has concerns about barring firms who have only one criminal fraud indictment against them, DEFrauding the American taxpayer, DEFrauding the military and jeopardizing our military security, that then he would go back and reconsider, accept the original amendment, or accept this amendment with the idea of going to 5 or 10 or 15 or 20 strikes, whatever he thinks would be necessary in the conference with the other body.

☐ 1900

Personally, I think three strikes with no retroactivity having been put on notice by the $1.2 billion of fines paid in the past would be adequate.

I would really hate to have to go and put Members on record on this vote. I think it is a very difficult vote for Members to cast. We would hear that this would hurt the defense of the country because most of our defense contractors have committed fraud at least once and been convicted of it. That is true. That is why I wanted to go with three fraud convictions.

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

Mr. Chairman, first of all, I want to say to my friend the gentleman from Oregon (Mr. DEFAZIO) that his amendment is strongly opposed by the Defense Department because they already have the ability to deal with these issues.

Let me give my colleagues what they say. This comes over from the comptroller:

The Department strongly opposes this provision since it would supersede the current suspension and debarment program established in the Federal Acquisition Regulation, FAR; unduly burden the procurement process; and eliminate the Department's flexibility in choosing with whom to do business.

The Department agrees that it should not do business with firms or individuals whose conduct is unethical or unlawful. To this end, the suspension and debarment system now in place protects the Government from dealing with unscrupulous contractors. It allows for individual debarment determinations based on factors, such as poor performance or violation of law, and requires due process so that exceptions, often in the form of settlement agreements, may be made when circumstances warrant.

The Department recommends that the offenses listed continue to be handled through the current FAR suspension and debarment process. Last year over 800 firms and individuals were suspended or debarred by the DOD.

Government-wide there are 5,000 firms and individuals currently suspended or debarred from doing business with the Government. The existing FAR system gives the Department the flexibility to consider mitigating factors and select an appropriate debarment period.

Potential mitigating factors include the fact that a firm is the sole source supplier of a product or service, that the offense was committed several years ago, and that the firm has taken steps to prevent a recurrence or has removed the individual responsible for the improper conduct and educated its workforce on ethics and integrity.

The FAR debarment process is well established and does not impose undue administrative burdens or absolutely prohibit doing business with critical suppliers.

The Department already has the authority to debar individuals and contractors for commission of offenses, such as the ones indicated, as well as for a general lack of business integrity or honesty.

Making debarment statutory adds nothing to the authority DOD already has and removes our ability to tailor the appropriate sanctions to individual cases.

So not only is this not necessary, the amendment of the gentleman would immediately debar almost all of the defense industry. Now, I know that he does not favor the defense industry, but getting rid of all of it at once, I think, would be overkill.

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

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, how many strikes would the gentleman accept?

Mr. DICKS. Mr. Chairman, reclaiming my time, I cannot accept any strikes because the gentleman has not even gotten close to the plate with this amendment. So let us vote it down and move along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this time to thank the gentleman from California (Chairman LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, for their assistance in including language in this important bill concerning Beryllium illness and compensation and to make it a part of this defense appropriations measure.

The language in the bill requires the Department of Defense to report to Congress for the first time on the incidence of Beryllium-related diseases amongst Department of Defense current and former employees, contractor employees serving during the Cold War, and vendor employees and to do so by May of next year.

This requirement is a complement to the work already undertaken by the Department of Energy, under the leadership of Secretary Richardson, the difficulty we are having in getting our executive branch to focus on those workers who are ill who have performed work related to Beryllium either in Government-run plants, such as DOE facilities, or plants that were totally 100 percent contract shops for the Department of Defense or their vendors.

The House would have considered the defense authorization bill last month included a sense of Congress resolution stating that Congress and the Federal Government has a responsibility toward people suffering from Chronic Beryllium Disease and other occupational diseases contracted while performing work related to our national security. But, of course, there was no actual compensation or medical benefits even contemplated in that particular measure.

I want to place on the RECORD, Mr. Chairman, the bill that I have introduced, H.R. 3418, that actually would authorize that compensation and medical assistance for people who served in the line of duty to this country who are dying and who are having the Government of the United States turn its back on them year after year.

Let me also state, for the RECORD, that Chronic Beryllium Disease is a horrendous illness. It is often debilitating, and it can be a fatal lung condition for a small percentage of people who worked in this industry, 2 percent. But we believe over 1,200 Americans have contracted this disease mostly by working in defense-related plants and some in energy-related facilities.

What essentially happens is that if they have the Beryllium sensitivity, their lungs begin to crystallize over a period of time and they, essentially, are strangled to death.

One of the people who was so injured was a constituent in my district, Mr. Gaylen Lemke, who first came to see me over 5 years ago to tell me about his experience. He worked in a contract shop that was on contract to the Department of Defense. Without question, he contributed his work and his life to this Nation winning the Cold War; and he suffered a slow and cruel death, as the disease slowly sapped his ability to breathe over the years.

Gaylen Lemke is as much a veteran of this country as anyone who has flown an airplane or served on a submarine, and we owe him and his survivors the kind of treatment and compensation we provide for those who have suffered in the service of our Nation, our paralyzed veterans, our disabled veterans.

I really hope that this Congress will find a way to provide the kind of compensation and medical care so these families, at one of the most difficult times in their lives, do not have to worry about the compensation and medical care for the person who has done so much for the Nation.

I just again want to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Chairman LEWIS) for including the language in this bill that pushes us forward as a country to understand the true costs of freedom.

Mr. Chairman, I include for the RECORD the following time line of events on Beryllium disease and what we, as a country, have done thus far:

CHRONIC BERYLLIUM DISEASE BACKGROUND MEMORANDUM

U.S. Beryllium production

Brush Wellman, Inc. in Elmore, Ohio, is currently the only company in the country that produces beryllium, a strong, light metal. Beryllium is of strategic interest to the United States because of its unique applications in the aeronautic and aerospace fields. It is also an important component in nuclear weapons and nuclear facilities.

A former Brush facility in Luckey, Ohio, was closed in 1958, and it is currently undergoing remediation by the U.S. Army Corps of Engineers.

The Brush manufacturing facility in Elmore employs about 600 people and produces both berryllium and beryllium alloy products.

Brush mines and processes beryllium ore at its facility in Delta, Utah, and has other facilities in Pennsylvania and Arizona.

Until the mid-1990's Brush was primarily a defense dependent industry with the Department of Defense and Department of Energy being as much as 90% of its customer base. Since then, the company has made a major transition toward commercial products, and today those alloy products represent the majority of the company's production. The transition has also resulted in the expansion of the Elmore plant and increased employment there.

Kaptur legislative initiatives relating to beryllium

Defense Strategic Metals Classification and Defense Conversion: Initiatives in several Defense Authorization bills to classify beryllium and related strategic metals as a unique set of defense-related materials requiring special attention and the transition of defense-related production to commercial market applications.

Medical Research: Appropriations for scientific and medical research on prevention and treatment of chronic beryllium disease (CBD).

Victim Compensation: Compensation for the victims of CBD at both federal (H.R. 3478) and state levels.

Chronic Beryllium Disease

Chronic Beryllium Disease is a chronic, often debilitating, and sometimes fatal lung condition. A relatively small number, perhaps 10% of the general population are uniquely sensitive to exposures to beryllium. Of these, perhaps 20% (2 percent of the general population) could develop symptoms of CBD if exposed.

Several 9th District constituents, former and current Brush Wellman employees suffer from CBD. Some of them have asked for assistance on a number of issues. The most regular requests are in three areas:

Screening for beryllium sensitivity,

Improved disability benefits for people suffering from CBD,

Additional federal support for scientific research into CBD, and

A tightening of the exposure limits for persons working with beryllium.

Benefits

There is no special program, federal or state, for persons suffering from CBD, and victims are looking to the federal government for relief as virtually all persons who have contracted CBD, at least since WWII, have either worked for the federal government or for employers contracted to the federal government. They want a special federal compensation program for beryllium workers similar to the Brown Lung program for coal miners.

State Workers Compensation or Occupational Disability laws are woefully inadequate in providing compensation for CBD largely because of the latency period of the disease tends to be longer than the statute of limitations on claims.

Compensation legislation in the 106th Congress, 1st Session

H.R. 675: Introduced February 10, 1999, by Rep. Paul Kanjorski (D–PA) establishes a federal beryllium disease trust fund to provide a benefit for some former national defense workers who suffer from CBD or for their families if they are deceased:

H.R. 675 establishes the Beryllium Exposure Compensation Trust Fund in the Department of the Treasury.

The trust fund would pay a one time award of $100,000 to persons who worked in the beryllium industry between 1930 and 1980, were exposed to significant beryllium hazards in the course of that employment, and who developed a condition known to be related to beryllium exposure.

The bill does not make any provision for funding the trust fund. The trust fund if established would be dependent on annual appropriations. That is a problem because it would establish a federal entitlement without a dedicated revenue source. It makes a promise to CBD sufferers without a guarantee that the promise will be fulfilled.

H.R. 675 provides no specific definition of covered diseases.

H.R. 675 is cosponsored by Reps. Brady, Sherrod Brown, Gilchrest, Gutierrez, Holden, Inslee, Tubbs Jones, Klink, Kucinich, Lantos, Manzullo, Pastor, Slaughter, Strickland, Tancredo, Mark Udall, and Tom Udall.

As a solution to the problem of CBD, H.R. 675 is now no longer under active consideration by the House.

H.R. 3418: Introduced by Rep. Kanjorski on November 17, 1999, on behalf of the Clinton Administration. H.R. 3418 reflected the position of the Department of Energy at the time.

H.R. 3418 establishes a federal compensation program for employees of the DOE contractors and vendors who suffer from CBD providing wage replacement benefits and medical coverage.

H.R. 3418 provides the choice of retroactive compensation for victims of CBD contracted before the bills enactment or, at the employee's option, a retroactive lump sum award of $100,000 to cover previous lost wages and medical expenses.

H.R. 3418 does not provide benefits for contractors or vendors to the Department of Defense.

H.R. 3418 also provides for a pilot project to examine the possible relationship between workplace exposures to radiation, hazardous materials, or both and occupational illness or other adverse health conditions.

H.R. 3418 also provides a compensation program similar to the beryllium compensation program for workers exposed to radiation hazards at the Paducah, Kentucky, gaseous diffusion plant.

H.R. 3418 is cosponsored by Reps. Biggert, Brady, Sherrod Brown, DeFazio, Holden, Kaptur, Klink, Phelps, Slaughter, Thornberry, Mark Udall, Wamp, and Whitfield.

H.R. 3478: Introduced by Rep. Kaptur on November 18, 1999, provides a more comprehensive beryllium compensation bill.

H.R. 3874 authorizes a federal workers' compensation program for beryllium workers employed by the Department of Energy and the Department of Defense, their contractors and vendors who suffer from CBD.

H.R. 3874 provides for a $200,000 lump sum retroactive payment option.

H.R. 3874 is cosponsored by Reps. Gillmor, Kanjorski, and Hansen.

H.R. 3874 does not address diseases other than those related to beryllium.

S. 1954: Introduced by Senator Jeff Bingaman (D–NM) on November 17, 1999. This bill is essentially identical to Rep. Kanjorski's H.R. 3418.

Compensation legislation in the 106th Congress, 2nd Session

H.R. 4398: Reps. Strickland and Whitfield also introduced a compensation bill on May 9, 2000.

H.R. 4398 establishes a beryllium compensation program administered by the Department of Labor under contract with the Department of Energy.

H.R. 4398 provides a $200,000 retroactive payment option with prospective medical benefits.

H.R. 4398 establishes a similar compensation program for Department of Energy nuclear workers.

H.R. 4398 directs the Secretary of Energy to determine if similar compensation benefits should be provided to DOE contractor employees exposed to other toxic materials in the course of their work.

H.R. 4398 does not provide coverage for construction subcontractor employees at vendor plants.

S. 2514: Senators Voinovich and DeWine introduced a beryllium compensation bill, S. 2514, on May 9, 2000, which is essentially the same as the Strickland/Whitfield bill.

H.R. 4205, Defense Authorization Act for Fiscal 2001: Kaptur supported a sense of the Congress amendment on the House floor stating that Congress should act on legislation providing compensation for Department of Energy workers with beryllium disease.

Defense Appropriation Bill for Fiscal 2001: In May 2000, Kaptur secured bill language requiring the Department of Defense to report back to Congress by May 2001, on the impact of beryllium disease on DOD contractors and recommendations for compensation for these employees.

Research

The federal government had conducted research into the health effects of beryllium in the past, but by the early 1990's federal support for such research had lagged.

In the fiscal 1998 appropriations process, Rep. Kaptur raised the issue of the need for further research on CBD with Dr. Kenneth Olden, Director of the National Institute on Environmental Health Sciences (NIEHS). She suggested areas where additional research might be useful, among them:

The standardization of diagnostic criteria and clinical pathologic diagnostic modalities for CBD; and

Determination of the physical, chemical, and steric properties of beryllium in the work place to determine if the size distribution, the particle number, and/or the particle morphology are critical factors in the production of CDB in the worker.

As a result of this inquiry, Rep. Kaptur requested an increase in the appropriation for the NIEHS to be used for further research into CBD. The appropriation was increased.

On March 18, 1999, almost solely as a result of Rep. Kaptur's efforts, NIEHS, the National Heart, Lung, and Blood Institute, the National Institute of Occupational Safety and Health, and the Department of Energy announced, a major new research initiative to the mechanisms of CBD.

Exposure limits

CBD support groups have argued that the current work place exposure limits for beryllium are too high and result in an unnecessarily high incidence of CBD among beryllium workers.

The current exposure limit is 2 micrograms per cubic meter ($\mu g/m^3$), measured as an 8 hour, time weighted average.

Rep. Kaptur officially wrote to Charles Jeffress, Assistant Secretary of Labor for Occupational Safety and Health asking the status of the current review of OSHA's current beryllium exposure standard. Response received July 21, 1999, saying that OSHA is reviewing the exposure standard.

In December 1998, the Department of Energy issued a proposed rule to change the beryllium exposure limits for DOE employees to a bifurcated standard.

The new DOE standard would establish a new short-term exposure limit of 10 $\mu g/m^3$ for small-scale, short-duration exposures.

And lower the 8 hour, time weighted exposure limit to 0.5 $\mu g/m^3$.

The public comment period for this proposed new rule ended on March 9, 1999.

On December 8, 1999, the DOE issued a final rule, The Chronic Beryllium Disease Prevention Program for DOE facilities. The new regulation retained the 2 $\mu g/m^3$ PEL but instituted a new action level of 0.5 $\mu g/m^3$ at which a number of engineering and work practice precautions must be instituted.

Defense conversion and materials research

In 1994, Rep. Kaptur secured $2 million in the fiscal 1995 Defense Appropriations bill to aid in the companies' conversion from defense-dependent companies to ones that also produce advanced products for the commercial market. Of this, Brush received a few hundred thousand dollars which helped in the development of copper-beryllium alloy products for the electronics and other high-tech industries Brush Related Defense Projects:

Because beryllium is such a critical national security resource, Rep. Kaptur has acted a number of times behalf to secure our nation's stockpile of strategic metals including beryllium. She has also worked to insure that important national defense research development projects related to beryllium and other aerospace metals are funded.

In May, 1995, Rep. Kaptur requested authorization of $25 million from Subcommittee on Military Research and Development for the continued development of advanced strategic aerospace metals and other lightweight structural materials as a unique subset of the strategic materials reserve. She also requested a $20 million appropriation for this same purpose for fiscal 1996.

Aerospace Metals Affordability Consortium: In 1998, Rep. Kaptur secured in the fiscal 1999 Defense Appropriations bill $5 million to initiate this applied research project to meet the national security need for advances in special aerospace metals and metal alloys for aircraft and space vehicle structures, propulsion, components, and weapon systems. Ohio firms are leading participants. The Consortium is funded through and directed by the Air Force Research Laboratory at Wright Patterson AFB in Dayton. For fiscal 2000 she secured an additional $5 million for the Consortium, and for fiscal 2001, she secured $15 million to continue the Consortium's work. Authorizing language for the Aerospace Metals Affordability Consortium

was included in the fiscal 2001 Defense Authorization bill.

National Defense Strategic Metals Stockpile: Because beryllium is an important national security resource, Rep. Kaptur has on different occasions written to the Armed Services Committee and to the Pentagon on strategic stockpile issues.

In May 1997, for instance, she wrote to the Pentagon in the spring of 1997 regarding the potential sale of beryllium and beryllium-copper alloy from the National Defense Stockpile. The DOD responded that such sales were not being contemplated at that time.

Luckey FUSRAP site

Brush Beryllium, the predecessor company to Brush Wellman, operated a plant in Luckey, Ohio, as a beryllium production facility under contract with the Department of Energy between 1949 and 1958.

The site has been included in the Formerly Utilized Site Remedial Action Program (FUSRAP) currently under the direction of the Army Corps of Engineers. A preliminary radiological survey at the site showed that several areas contain radiation, primarily from radium, in excess of applicable guidelines. In addition, beryllium concentrations in the soil at the site are well above background levels.

The Corps is presently conducting an assessment of the project's scope. The site is scheduled to be remediated by 2005.

AMENDMENT NO. 11 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SANDERS:

At the end of title VIII (page 116, after line 22) insert the following new section:

SEC. ___. GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR. (a) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—Of the amounts made available in this Act for research, development, test, and evaluation, the Secretary of Defense is authorized to make a grant in the amount of $1,650,000 to a medical research institution for the purpose of initial construction and equipping of a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(b) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (a), an institution must meet each of the following requirements:

(1) Be an academic medical center and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(c) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (a) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(d) REPORTS TO CONGRESS.—Not later than October 1, 2002, and annually thereafter for the period that research described in subsection (a) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

Mr. SANDERS. Mr. Chairman, I have an amendment at the desk which in a moment I am going to ask unanimous consent to withdraw.

I have spoken to leading members of the committee and to their staff, and I have received assurance that this very important matter will, in fact, be taken care of later on during the process; and I am happy to accept their assurances. I would, however, like to take just a moment to raise the issue of what this amendment is about.

Mr. Chairman, since 1993, there has been a bipartisan consensus in the House that the establishment of an environmental medical unit and research into multiple chemical sensitivity is one of the most promising areas in terms of understanding and treating Gulf War illness.

In fact, in the fiscal year 1994 Department of Defense appropriations bill, this House approved money to begin construction of that unit. Unfortunately, that funding was greatly reduced in the subsequent conference committee and the Department of Defense chose to ignore the report language supporting the establishment of that project.

In other words, 6 years later, and after all of the suffering and pain associated with Gulf War illness, we still have not been able to build a relatively inexpensive unit that could give us key information about the causes and possible treatment of Gulf War illness. And, frankly, this is unacceptable.

Mr. Chairman, I will be submitting to the committee a letter to the Honorable Jesse Brown, who was then Secretary of Defense of Veterans Affairs, dated November 19, 1993. This bipartisan letter, which was signed by Sonny Montgomery, the gentleman from Arizona (Mr. STUMP), Roy Roland, the gentleman from New Jersey (Mr. SMITH) and Frank Tejeda, Democrats and Republicans, asks for that money to build this environmental medical unit.

The question is how many years do we have to wait before this very important project is undertaken?

Mr. Chairman, as I have indicated, this process has dragged on for too many years. Gulf War illness is a tragedy. It affects close to 100,000 Americans. The gentleman from Connecticut (Mr. SHAYS), who is chairman of the relevant subcommittee has done a terrific job. I have worked with him in trying to bring forth witnesses who can give us the information about Gulf War illness.

There is widespread belief that multiple chemical sensitivity is one of the causes of Gulf War illness. This unit will go a long way in allowing us to understand the relationship of multiple chemical sensitivity and Gulf War illness.

I ask for unanimous consent, Mr. Chairman, to withdraw this amendment. And I believe that I have assurances from both the chairman and the ranking member that we are going to proceed on this.

The CHAIRMAN. Does the gentleman from Vermont (Mr. SANDERS) withdraw his amendment?

Mr. SANDERS. Yes, Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a moment to have the House know that this was the end of the first session in which Dave Killian has provided a leadership role on the other side of the aisle. He is a very able member of the Committee on Appropriations staff and worked with us for many, many years. I want to express our appreciation for his efforts this year, as well to express my appreciation for all of the staff on both sides of the aisle, and in particular Kevin Roper, who is my staff director, but especially to Betsy Phillips, who has been here all day on her birthday.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was rejected.

Mr. DICKS. Mr. Chairman, I rise to thank the Chairman for his efforts to address the serious problem of toxic waste remaining on the island of Bermuda and submit, on behalf of myself and the gentleman from New Jersey, Mr. FRELINGHUYSEN, for insertion in the RECORD, two letters to the chairman on this issue, one from the Premier of Bermuda and one from the British Ambassador, as well as a letter the Chairman wrote to the Secretary of the Navy on this topic.

HAMILTON, BERMUDA,
May 29, 2000.

Hon. JERRY LEWIS,
Chairman, Subcommittee on Defense, House Appropriations Committee, Washington, DC.

DEAR MR. CHAIRMAN, I have been advised that the House Appropriations Committee is now considering report language that would require the U.S. Department of Defense to work with the Governments of Bermuda and the United Kingdom on a resolution of the Bermuda base lands clean-up issue.

In this connection, the Navy has on several occasions stated that Bermuda agreed to accept the reversion of the former Navy properties in Bermuda in an ''as is'' condition. I wish to advise you unequivocally that this is not the case. Bermuda has consistently expressed its concern directly to the U.S. Navy about the contaminated condition of the base lands and has never agreed to accept the property in its contaminated state. As Ambassador Meyer reaffirmed during his visit with the Subcommittee recently, the British Embassy has also consistently supported Bermuda's position in this matter.

Immediately following notification that the properties would be returned, Bermuda expended more than $1.5 million on three separate environmental assessments of the base lands. The assessments showed that leaks from the Navy's storage tanks had created major free product plumes that are threatening Bermuda's groundwater supplies. The assessment also showed that sludge and raw sewage at the bottom of Bassett's Cave and more than 400 tons of friable asbestos are posing significant health risks to Bermuda's population. Bermuda promptly turned over all such studies to the Navy.

On the 14th of December 1994, some eight months before the bases were closed, Bermuda submitted a formal position paper to Captain Tim Bryan, Commanding Officer of the Bermuda Naval Air Station. The paper detailed the environmental problems at the base lands and communicated the view that the U.S. should bear full responsibility for the contamination and environmental problems at the U.S. base lands. In a subsequent position paper dated 17th May 1995, three months before closure, Bermuda formally notified the Navy that it would not accept the U.S. position concerning abandonment of the bases, and that ''the U.S. has moral and political obligation for clean-up''. The Bermuda notification also stated that ''Bermuda has formally advised the U.S. Navy on two occasions that the contamination constitutes an unacceptable imminent risk to citizens, residents and visitors to Bermuda''.

You will find attached for ease of reference Bermuda's position papers of 14th December 1994 and 17th May 1995. I hope this information is helpful to you. This matter has now been protracted over nearly five years without a satisfactory resolution. I have attached also two recent articles from Bermuda's newspapers that show just how much this issue continues to be a matter of major concern in Bermuda.

We very much hope that your Committee will initiate a process that can lead to a satisfactory resolution of this matter without further delay. As always, we are very grateful for your continuing interest in this issue.

Yours sincerely,

THE HON. C. EUGENE COX, JP, MP.,
Acting Premier.

BRITISH EMBASSY,
Washington, DC, May 1, 2000.

Hon. JERRY LEWIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN, I understand that the House Appropriations Sub-Committee on Defense, which you chair, will soon be completing consideration of the Defense Department's Appropriations Bill for Fiscal Year 2001, including the issue of the environmental clean-up of the former U.S. military baselands in Bermuda, which closed in 1995. I am writing to confirm that the British Government have always backed Bermuda's claim. This letter sets out why we believe the U.S. has both a moral and legal responsibility to clean up the environmental damage at the sites.

EXTENT OF ENVIRONMENTAL DAMAGE

A number of studies by experienced U.S. and Canadian firms have revealed extensive environmental damage at the bases. The main concerns are:

Serious soil and groundwater pollution caused by leaking fuel storage tanks improperly closed when the bases ceased operating;

Bassett's Cave, in which the U.S. Navy disposed of raw sewage and industrial wastes. There is now a layer of sludge two to five feet thick, containing numerous toxic substances;

Asbestos: approximately 70% of the abandoned U.S. buildings contain asbestos, 25% of which is crumbling, and thus particularly hazardous.

I enclose a paper setting out the damage in more detail (Annex A), and a paper challenging (i) the U.S. Navy's assertions that Bermudian claims are exaggerated, and (ii) the extent of the U.S. remedial efforts before departure (Annex B).

LEGAL POSITION

The U.S. Government have argued that there is no legal requirement for additional clean-up. We disagree. We believe that the reference in the 1941 Agreement to the ''spirit of good neighborliness'', as well as its character as a lease, imply a requirement that the lessee, the U.S., would return the leased areas in a good physical condition, in accordance with common law. Moreover, under customary international law, and the ''polluter pays'' principle to which the U.S. subscribes, States have a general obligation to ensure that their activities do not damage other States' environment.

We do not accept the U.S. Government's view that it is entitled to compensation for the residual value of the facilities which were left behind on closure. The 1941 Agreement makes no provision for this. Nor under common law is a lessor liable to his lessee for improvements voluntarily made by the lessee. In fact, the Bermudians will need to spend a lot of money to turn the abandoned bases into useful assets.

The third enclosed paper (Annex C) sets out in more detail the legal position on environmental damage, and on the separate but related issue of the U.S. obligation to maintain Longbird Bridge.

THE CANADIAN PRECEDENT

The bases were established under the 1941 U.S./UK Leased Bases Agreement. This agreement also applied to certain bases in Canada. When these were closed, the U.S. Congress did agree, in October 1998, to compensation, citing the unique and long-standing national security alliance between the U.S. and Canada, and the fact that the sites were used by the U.S. and Canada for their mutual defense. We believe that the same arguments apply at least as strongly to Bermuda in light of the uniquely close U.S./UK defence relationship. In the Canadian case, Congress also cited the substantial risk which environmental contamination could pose to the health and safety of U.S. citizens also applies in the case of Bermuda, which 463,000 U.S. citizens visited last year and where 4,600 U.S. nationals have homes.

Although we believe that the Canadian case does provide a precedent for Bermuda, we do not believe that clean-up in Bermuda need create a precedent which might be used against the U.S. in relation to bases elsewhere in the world, given the limited territorial scope of the 1941 Leased Bases agreement.

I hope that this information is helpful, and would welcome your views on the best way to advance this issue. I would be happy to brief you and your colleague son the Defence Sub-Committee on Appropriations, to whom I am copying this letter, in more detail if you felt this would be useful. I could accompany my briefing with a short video highlighting the extent of the contamination on the island.

Sincerely,

CHRISTOPHER MEYER.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 25, 2000.

Hon. RICHARD J. DANZIG,
Secretary of the Navy,
Washington, DC.

DEAR SECRETARY DANZIG: On May 4, 2000, the British Ambassador, Sir Christopher Meyer, met with several members of the Defense Appropriations Subcommittee to explain the British Government's strong support for Bermuda and its interest in seeing the Bermuda base cleanup issue resolved promptly.

As we had not yet had an opportunity to discuss this issue with you, the Committee chose not to include any directive language regarding environmental cleanup at Bermuda in the fiscal year 2001 Department of Defense Appropriations bill that we have just reported out of Committee. It is our intention, however, to revisit this issue during conference committee deliberations with the Senate.

I understand from a previous Navy report to the Committee, forwarded on February 11, 1998, that it is the Navy's position that ''the United States is under no legal obligation to remediate environmental contamination at its former bases in Bermuda''. However, I am concerned that this issue could become a serious irritant between the U.S, the U.K. and Bermuda if it is not resolved soon. I therefore request that you look into this issue to determine what options you have at your disposal and what recommendations you would make to reach a satisfactory resolution of this issue.

Sincerely,

JERRY LEWIS,
Chairman, Defense Subcommittee.

The CHAIRMAN. The Clerk will read the remainder of the bill.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2001''.

□ 1915

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr.

CAMP, 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. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 514, he reported the bill back to the House.

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

The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). As indicated by the bells, the next series of votes will be 5 minutes each.

The vote was taken by electronic device, and there were—yeas 367, nays 58, not voting 9, as follows:

[Roll No. 241]

YEAS—367

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

NAYS—58

Baldwin	Hinchey	Peterson (MN)
Barrett (WI)	Hooley	Ramstad
Blumenauer	Jackson (IL)	Rangel
Brown (OH)	Kind (WI)	Rivers
Campbell	Kucinich	Sanders
Capuano	Lee	Sanford
Conyers	Lofgren	Schakowsky
Coyne	Luther	Sensenbrenner
Davis (IL)	McDermott	Serrano
DeFazio	McGovern	Shays
DeGette	McKinney	Stark
Delahunt	Meeks (NY)	Tierney
Doggett	Miller, George	Towns
Ehlers	Minge	Udall (CO)
Eshoo	Nadler	Velazquez
Fattah	Oberstar	Watt (NC)
Filner	Obey	Waxman
Frank (MA)	Owens	Weiner
Ganske	Paul	
Gutierrez	Payne	

NOT VOTING—9

Danner	Istook	Smith (MI)
Greenwood	Markey	Vento
Houghton	McInnis	Wise

□ 1936

Messrs. RANGEL, TOWNS and BROWN of Ohio changed their vote from ''yea'' to ''nay.''

Mr. WYNN and Mr. METCALF changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider is laid on the table.

Stated for:

Mr. ISTOOK. Mr. Speaker, on rollcall No. 241, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair will now put the question on the each motion to suspend the rules on which further proceedings were postponed on Tuesday, June 6, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 291, by the yeas and nays;

S. 356, by the yeas and nays;

H.R. 4435, by the yeas and nays; and

H.R. 3176, by the yeas and nays.

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

CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 291.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 291, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 242]

YEAS—422

Abercrombie	Berry	Calvert
Ackerman	Biggert	Camp
Aderholt	Bilbray	Campbell
Allen	Bilirakis	Canady
Andrews	Bishop	Cannon
Archer	Blagojevich	Capps
Armey	Bliley	Capuano
Baca	Blumenauer	Cardin
Bachus	Blunt	Carson
Baird	Boehlert	Castle
Baker	Boehner	Chabot
Baldacci	Bonilla	Chambliss
Baldwin	Bonior	Chenoweth-Hage
Ballenger	Bono	Clay
Barcia	Borski	Clayton
Barr	Boswell	Clement
Barrett (NE)	Boucher	Clyburn
Barrett (WI)	Boyd	Coble
Bartlett	Brady (PA)	Coburn
Barton	Brady (TX)	Collins
Bass	Brown (FL)	Combest
Bateman	Brown (OH)	Condit
Becerra	Bryant	Conyers
Bentsen	Burr	Cook
Bereuter	Burton	Cooksey
Berkley	Buyer	Costello
Berman	Callahan	Cox

Coyne
Cramer
Crane
Crowley
Cubin
Cummings
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
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
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
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
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
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Cunningham
Danner
Gephardt
Gilchrest
Greenwood
Houghton
Istook
Markey
McGovern
Smith (MI)
Vento
Wise

□ 1945

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELLTON-MOHAWK TRANSFER ACT

The SPEAKER pro tempore (Mr. GUTKNECHT). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 356.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 356, 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 423, nays 0, not voting 11, as follows:

[Roll No. 243]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
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
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
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
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
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
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter

Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Archer
Danner
Gephardt
Greenwood
Houghton
Istook
Lewis (KY)
Markey
Smith (MI)
Vento
Wise

□ 1953

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLARIFYING CERTAIN BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4435, 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. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4435, 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 421, nays 1, not voting 12, as follows:

[Roll No. 244]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
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
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
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
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
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
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Blumenauer

NOT VOTING—12

Archer
Clay
Danner
Gephardt
Greenwood
Houghton
Istook
Markey
Sisisky
Smith (MI)
Vento
Wise

□ 2000

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:

''A bill to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.''.

A motion to reconsider was laid on the table.

DIRECTING A STUDY TO RESTORE KEALIA POND WILDLIFE REFUGE, HAWAII

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R 3176.

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. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3176, 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 406, nays 14, not voting 14, as follows:

[Roll No. 245]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen

Frost	Lofgren	Ros-Lehtinen
Gallegly	Lowey	Rothman
Ganske	Lucas (KY)	Roukema
Gejdenson	Lucas (OK)	Roybal-Allard
Gekas	Luther	Rush
Gibbons	Maloney (CT)	Ryan (WI)
Gilchrest	Maloney (NY)	Ryun (KS)
Gillmor	Manzullo	Sabo
Gilman	Martinez	Salmon
Gonzalez	Mascara	Sanchez
Goode	Matsui	Sanders
Goodlatte	McCarthy (MO)	Sandlin
Goodling	McCarthy (NY)	Sawyer
Gordon	McCollum	Saxton
Goss	McCrery	Scarborough
Graham	McDermott	Schakowsky
Granger	McGovern	Scott
Green (TX)	McHugh	Serrano
Green (WI)	McInnis	Sessions
Gutierrez	McIntosh	Shadegg
Gutknecht	McIntyre	Shaw
Hall (OH)	McKeon	Shays
Hall (TX)	McKinney	Sherman
Hansen	McNulty	Sherwood
Hastings (FL)	Meehan	Shimkus
Hastings (WA)	Meek (FL)	Shows
Hayes	Meeks (NY)	Shuster
Hayworth	Menendez	Simpson
Hefley	Metcalf	Skeen
Herger	Mica	Skelton
Hill (IN)	Millender-McDonald	Slaughter
Hill (MT)	Miller (FL)	Smith (NJ)
Hilleary	Miller, Gary	Smith (TX)
Hilliard	Miller, George	Smith (WA)
Hinchey	Minge	Snyder
Hinojosa	Mink	Souder
Hobson	Moakley	Spence
Hoeffel	Mollohan	Spratt
Hoekstra	Moore	Stabenow
Holden	Moran (KS)	Stark
Holt	Moran (VA)	Stenholm
Hooley	Morella	Strickland
Horn	Murtha	Stump
Hostettler	Myrick	Stupak
Hoyer	Nadler	Sununu
Hulshof	Napolitano	Sweeney
Hunter	Neal	Talent
Hutchinson	Nethercutt	Tancredo
Hyde	Ney	Tanner
Inslee	Northup	Tauscher
Isakson	Norwood	Tauzin
Jackson (IL)	Nussle	Taylor (MS)
Jackson-Lee (TX)	Oberstar	Taylor (NC)
Jenkins	Obey	Terry
John	Olver	Thomas
Johnson (CT)	Ortiz	Thompson (CA)
Johnson, E. B.	Ose	Thompson (MS)
Jones (NC)	Owens	Thornberry
Jones (OH)	Oxley	Thune
Kanjorski	Packard	Thurman
Kaptur	Pallone	Tierney
Kasich	Pascrell	Toomey
Kelly	Pastor	Towns
Kennedy	Payne	Traficant
Kildee	Pease	Turner
Kilpatrick	Pelosi	Udall (CO)
Kind (WI)	Peterson (MN)	Udall (NM)
King (NY)	Peterson (PA)	Upton
Kingston	Petri	Velazquez
Kleczka	Phelps	Visclosky
Klink	Pickering	Vitter
Knollenberg	Pickett	Walden
Kolbe	Pitts	Walsh
Kucinich	Pomeroy	Wamp
Kuykendall	Porter	Waters
LaFalce	Portman	Watkins
LaHood	Price (NC)	Watt (NC)
Lampson	Pryce (OH)	Watts (OK)
Lantos	Quinn	Waxman
Largent	Radanovich	Weiner
Larson	Rahall	Weldon (FL)
Latham	Ramstad	Weldon (PA)
LaTourette	Rangel	Weller
Lazio	Regula	Wexler
Leach	Reyes	Weygand
Lee	Reynolds	Whitfield
Levin	Riley	Wicker
Lewis (CA)	Rivers	Wilson
Lewis (GA)	Rodriguez	Wolf
Lewis (KY)	Roemer	Woolsey
Linder	Rogan	Wu
Lipinski	Rogers	Wynn
LoBiondo	Rohrabacher	Young (AK)
		Young (FL)

NAYS—14

Armey	DeLay	Paul
Chenoweth-Hage	Emerson	Pombo
Cubin	Johnson, Sam	
Royce	Schaffer	Stearns
Sanford	Sensenbrenner	Tiahrt

NOT VOTING—14

Archer	Greenwood	Sisisky
Clay	Houghton	Smith (MI)
Danner	Istook	Vento
Ehrlich	Jefferson	Wise
Gephardt	Markey	

□ 2008

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

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHIEF OF STAFF OF HON. JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GARY MILLER of California) laid before the House the following communication from Mr. Paul Marcone, Chief of Staff of the Honorable James A. Traficant, Jr., Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the rules of the House of Representatives, that the Custodian of Records, Office of the Honorable James A. Traficant, Jr., has been served with a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, the determinations required by Rule VIII will be made.

Sincerely,

PAUL MARCONE,
Chief of Staff.

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.

OPPOSING H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I rise to speak in opposition to H.R. 4577, the Labor-HHS-Education appropriation bill.

Once again, the Republicans are cutting taxes for the wealthy. The Republicans have lost sight of what the American people want: to improve our schools, preserve Medicare and social security, enact a Patients' Bill of Rights, provide for prescription drug benefits, and eliminate the debt.

H.R. 4577 is bad for America and it is bad for my district. The bill cuts $400 million from after-school programs, 100,000 school counselors, 100,000 teachers, programs to recruit teachers, math and science programs for 650,000 children, school safety programs for 40 school districts, programs for 1.6 million elderly, and programs for the disabled.

Education, because education is my top priority, I am concerned that the bill cuts $3.8 billion from the President's educational programs, such as class size reduction and school construction. I state that California will lose at least $369 million for the education under this bill. I state that California will lose $369 million for education under this bill.

Just as we invest in the future of space programs, we need to make sure that we invest in our future, because children are our future. We need additional programs for math and science. We should not be cutting programs. We need to plant the seeds so that our children can guide us for tomorrow. If we do not plant the seed, it will never flourish.

Education is the foundation that provides us with a change. All kids should have an opportunity.

Cuts in after-school programs. The Republican plan cuts after-school programs by over $400 million, or 40 percent of the President's proposal. It will throw children out into our streets instead of having them safely in schools. They will be placed as a burden on our churches to care for our young people.

School counselors. It eliminates funding for over 100,000 school counselors, so the kids will not know which classes to take. I was a counselor, and I know the importance of having counselors that can direct our children and tell them what classes they need to take to make sure that they are prepared academically not only to graduate from high school, but at the same time to go on to a community college, a State college, or to a university.

□ 2015

Class size reduction: The Republican plan will result in larger class sizes. It rejects the President's plan to hire additional 100,000 new teachers. In California alone, we have implemented the class reductions that have been very effective in the State of California where the grades have begun to increase for a lot of our children.

We had small classes; we owe the same opportunity to our children. We can remember that when most of us were baby boomers or going to school, our classes were small and we were able to learn in that kind of environment. This presents a very difficult environment for a lot of our children that will have 35 students in a classroom to 45 students in the classrooms. We need further reduction in classes.

Teacher quality: It will cut incentives for hiring good teachers by $1 billion. There are over 30,000 teachers

needed in California alone this year. Our schools need to succeed, not to fail. We need to increase teachers' salaries from $32,000 to approximately $36,000, and provide incentives for our teachers.

Programs: The Republican plan will cut reading and math for up to 650,000 children. It cuts reading tutorial programs for our children. It will cut $68 million from programs for education technology centers, yet the President just recently said that we are going to provide additional money in science and technology.

Especially, it affects a lot of our institutions across the United States. And we need to make sure that our children advance and are meeting the future in that area.

School safety: The Republican plan will result in unsafe schools. One-third of our schools need extensive repairs or replacement of buildings. Republicans rejected $1.3 billion for urgent safety and health repairs at 5,000 schools.

Our children will be in classes with unsafe wiring, roofs could fall or leak. It is important that we provide an atmosphere and an environment that is conducive to learning. When our children feel that they are safe in schools, that do not have leaky roofs, that we provide that kind of environment, their attitude and self-esteem will change and it will be a lot better.

Republicans cut $51 million from the President's request to fight drugs in schools. We need to keep programs like DARE programs, ''Say No to Drugs,'' Red Ribbon Week, the Police Athletic League, the Friday Night Live, the Boys and Girls Club, Los Padrinos program, the City of Fontana Drug Court program, the drug treatment/recovery programs for adolescents established in legislation that I carried, AB 1784.

The Republicans have eliminated funding to make our schools safe.

The Republicans eliminated funding for a program to make our schools safe from violence in over 40 school districts. We need to avoid more tragedies. That is why I am carrying H.R. 4428 which would create school safety programs!

The elderly.—The Republican bill cuts funding to protect elderly Americans. It eliminates 95% of the funding to improve quality of care in nursing homes.

It will cut pension and health care plan protections!

It rejects a Medicare prescription drug benefit.

The disabled.—It will put the disabled on the streets, including our veterans, who have fought for our country. The bill cuts employment assistance to 3,100 homeless veterans!

The Republican plan helps the wealthy.—At the same time the Republicans are slashing programs, they are giving tax breaks to the very wealthy!

Democrats believe in responsibility.

But the Republican plan spends down the bank account. It does not save for a rainy day. It is a poor investment in our future.

The war on poverty, illiteracy, and disease.—There are hundreds of thousands of American citizens living without basic services that most Americans take for granted!

We need to take immediate action to give them the opportunity to succeed. We should have the courage and commitment to provide adequate living conditions.

No matter where they live, children must be given an equal opportunity to live healthy and safe lives. Seniors should have food, shelter, and medicine!

We should remember the words of Cesar Chavez, ''Si se puede!'' There is hope to take care of our children and seniors!

Conclusion.—We must look to the future. For our seniors and our young people. We must do the right thing.

We must oppose H.R. 4577. It is bad for my district! It is bad for America!

The SPEAKER pro tempore (Mr. GARY MILLER of California). 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.)

EDUCATION FUNDING REQUIRES ACCOUNTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I realize that Americans are flocking to the beaches and taking with them a variety of reading materials. And so I guess in that sense, Mr. Speaker, it comes as no surprise that we are treated to the latest fiction and rhetorical terror from the leftists in this community who always trust Washington bureaucrats instead of the people.

As I listened to the litany of fiction just a few moments ago preceding me in the well, I noticed with interest that nowhere in any of the statements of the gentleman from California was there one scintilla of a request for accountability. Not in the litany of alleged shortages was there a simple request to have an accounting.

Now, I guess it should come as no surprise because under the Clinton-Gore administration, Mr. Speaker, do we realize that the Department of Education cannot account for $18 billion of our money? The books of the Department of Education are unauditable. Mr. Speaker, Secretary Riley, President Clinton, Vice President GORE would be well-advised to take a mathematics refresher course.

No one doubts that children are our future. No one doubts that education is vitally important. But, Mr. Speaker, how do we serve the people when $18 billion is not accounted for? That is real money.

Worst still is the notion that somehow by supplying more and more dollars, even when they cannot be accounted for, to Washington bureaucrats that somehow that magically by osmosis fixes our public schools. Nothing could be further from the truth.

We understand in this common sense Congress with an emerging bipartisan majority that the best way to help teachers teach and help children learn is to call for accountability, first and foremost with parents and teachers and local leaders. That is the key and that is the major defense. That is why our majority in this House of Representatives time and again has asked for dollars to get to the classroom. That for every dollar of Federal taxpayer money devoted to education, 90 cents go to the classroom; only 10 cents be left for the care and feeding of Washington bureaucrats.

That is why, Mr. Speaker, I was pleased that every Member of this House last summer joined me in voting for the New Education Land-Grant Act that helps local school districts in 44 of our 50 states receive at low cost, $10 an acre, up to 100 acres of federally controlled land that is not environmentally sensitive so that precious resources within those communities can go to what is really important, helping teachers teach and helping children learn. But again it becomes a question of accountability.

So when we hear the litany of fictions brought to this well, and when we hear the recitations of the gloom and doom, understand this: How can we entrust the Washington bureaucrats when these folks cannot even account for $18 billion of our money? We do not put out a fire by throwing gasoline on it, nor do we solve problems always by throwing money. Spending money wisely, empowering parents, teachers, local leaders, Mr. Speaker, that is the way we improve education, and by getting dollars to the classroom instead of the bureaucratic cesspools where they remain unaccounted for.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY adressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO JAMES BELANOFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. James Belanoff, a long-time union leader for the United Steelworkers in Indiana who was part of a politically and social activist family, many of whom lived in Chicago and were actively involved in the labor and political activity of Chicago and of Illinois.

Mr. Belanoff was born in Canada and moved to Chicago where he lived until

he returned home from the military and moved to Gary, Indiana, and then to Hammond. Mr. Belanoff went to work for Inland Steel, joined the union, became involved, and ultimately became president of his local.

From 1977 to 1981, he served as full-time director of District 31 of the United Steelworkers of America. He developed his labor and community activist interests from his father who owned a grocery store, but who always was involved in civic and community life. Mr. Belanoff graduated from Roosevelt University with a bachelor's degree and was elected to two terms to the Hammond Indiana City Council.

Standing up for the common person was a trademark of Mr. Belanoff and that tradition has been embraced by other members of his family as they too have become involved in public service.

His sister, Mariam, served as a Cook County judge and as a member of the Illinois General Assembly. His nephew, Clem, is a former State representative and 10th Ward Democratic committeeman. Mr. Belanoff's son, THOMAS, is President of Local 73 of the Service Employees International Union and on the State Council of the Service Employees Union in Illinois.

In addition to his son Tom, Mr. Belanoff leaves to mourn his wife, Betty, two sons, James Junior and Joseph, a daughter, Katherine Robinson, four brothers, John, Clem, Theodore, and William, and seven grandchildren.

Mr. Speaker, Mr. Belanoff and the Belanoff family represent the very best of what America can be: Common folks doing uncommon things, always representing themselves and their neighbors and their friends. So I am pleased to have had this moment to pay tribute to not only a giant of a man, but a tremendously civic-, community-, and politically active family. I wish for them the best as they mourn their father, their uncle, their grandfather, and a friend to all of humanity.

INDIANA PACERS HEAD TO THE NBA FINALS

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. Mr. Speaker, for the first time in history of the NBA, the Indiana Pacers are going to be playing in the finals starting tonight. They are the Eastern Division champions and we are just so pleased in Indiana that that happened. The Indiana Pacers. Remember, they played the New York Knicks. They said it was the hicks versus the Knicks.

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

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is that the team where the best player is still the guy on the bench doing the coaching?

Mr. BURTON of Indiana. Larry Bird was a great player, but he is also a great coach.

Mr. Speaker, let me get back to the focus of my short message tonight. That is that the Indiana Pacers for the first time in history are going to be playing in the finals of the NBA. They are going to be playing the overwhelming favorite, the Los Angeles Lakers and Shaquille O'Neil, that titan of a man who is so tough to defend.

But I want to tell a little story. I had an opportunity to talk to Jack Nicholson, the outstanding movie star, about another issue on the phone. He has won several Academy Awards. Mr. Nicholson, the first time I called him was at a Lakers game and I mentioned it to him. He said, ''Yes, I go to all the Lakers games.'' And I said, ''You know, Mr. Nicholson, it is a shame that the Los Angeles Lakers are going to be playing the Indiana Pacers, because we are going to beat their tail.'' And here is what he said: ''Not in your life, Dan.''

I do not know if that imitation was very good. ''Not in your life, son.''

So all I want to say tonight to Mr. Nicholson, if he happens to be watching in California, Mr. Speaker, is, ''You do not know anything about Hoosier pride, because we are going to win. We are going to win. We are going to kick the tail of the Los Angeles Lakers.'' Go Pacers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members not to address the television viewing audience.

COMMON SENSE GUN LEGISLATION AND THE DEATH OF LORI GONZALEZ, GRANDDAUGHTER OF LOS ANGELES POLICE CHIEF BERNARD PARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to give a tissue to the gentleman from Indiana (Mr. BURTON) after the last game of the Pacers and Lakers, when that happens.

Mr. Speaker, I rise tonight because I think we were all excited last week as we went to our districts for our District Work Period for a week. And I was excited because first, I received the President and CEO of Amtrak coming in to Los Angeles to show the high-speed rail that we are trying to get to move people and goods throughout the State of California and all across the Nation.

□ 2030

All of California was quite excited about that.

I also had the privilege of opening up a one-stop capital shop for small businesses to grow, to expand, and to have job creation through the Small Business Administration. The small business administrator, Ms. Aida Alvarez, came to open up this shop. I had the mayor of Los Angeles, Richard Riordan.

I even received an award, Mr. Speaker, on my legislation from pediatric asthma from the Asthma Foundation. I went to Sacramento to talk to the Governor and its people about funding for higher education.

So I thought it was a good week until the moment came where I got the call that one of our young women again had fallen to gun violence. This young woman, Lori Gonzalez, was the granddaughter of our chief of police Bernard Parks.

I guess I stand tonight once again to remind this Congress how important it is to pass meaningful gun safety reform. Because of the recent death of Lori Gonzalez, 20 years old, had not reached her adult life, and of the many who have fallen to gun violence, I urge this Congress to swiftly move to protect our Nation's children and its communities by approving common sense gun safety provisions.

Just a few weeks ago, I joined with other mothers in my community in Los Angeles and the thousands and thousands of mothers across this Nation who marched in Washington and 71 other cities to call on this Congress to finally enact common sense gun legislation.

On Mother's Day, we paused to remember the thousands of children who have been killed by gunfire and to pray that our message would finally move Congress to address this very critical issue before another day passes and another one of our Nation's children would be lost to gunfire.

In the weeks since Mother's Day, Congress has continued to sit idle, refusing to answer the prayers of, not just the Nation's mothers, but of the majority of Americans who favor the passage of common sense gun legislation. Today and every day gun violence continues to plague our communities and has taken the lives of innocent victims like Lori Gonzalez.

With the ineptitude and stagnation that has infiltrated the halls of Congress, I would unfortunately be fooling myself if I thought the death of one individual, Lori Gonzalez, could once again get this Congress to take up meaningful gun legislation.

This is the Congress that has done nothing in the wake of the horrible shootings in Columbine High School in Littleton, Colorado. This is the same Congress that has ignored every shooting in the past years simply accepting shootings as a part of daily life in America.

Lori Gonzalez, as I said, the daughter of Los Angeles Chief Bernard Parks was gunned down over the Memorial weekend outside of the fast food restaurant in Los Angeles. This could be any child because our kids do like to go to fast food restaurants, Mr. Speaker, even my grandchildren and even my adult children.

Ms. Gonzalez was a Saddleback College English student, was killed one week shy of her 21st birthday. Her friends and family have spoken about Ms. Gonzalez's high spirit and boundless energy. They spoke of a young woman who, with huge ambitions, urged smaller kids to reach for the stars and have hope in her small acts of kindness like soothing the ache of a burn victim, helping to stucco houses in Mexico and of her passion for helping the children in her community.

I say to my colleagues I call on this Congress to pass the gun safety lock bill that I introduced in the 105th Congress and the 106th Congress. We can ill-afford to have another gun violence victim in this Nation.

DISADVANTAGES OF ESTATE TAX BILL

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, on Friday, we are going to take up a bill to abolish the estate tax, a bill that has about as much merit as the prediction of the gentleman from Indiana (Mr. BURTON) that the Pacers will defeat the Lakers in the upcoming series.

Let us first put this tax in context. Only 2 percent of American families pay a single penny of estate tax. This is because the tax is designed so that a husband and wife can leave their first $2 million, first $2 million to their heirs without paying a penny in tax. So this tax is for those who are asked, do you want to be a millionaire, and literally became millionaires, $2 million. Literally millionaire, that word meaning someone who inherits a million dollars.

The tax, of course, does not fall upon the decedent but rather on their heirs. The tax falls exclusively on billionaires by definition. The tax is an obnoxious tax as all taxes are obnoxious. But if we are going to start to abolish taxes, we ought to start abolishing the ones that hit working families the hardest.

This is a tax that falls exclusively, not on the fruits of the effort of the person paying the tax, but on the fruits of inheritance instead.

Now, we are told that this tax represents double taxation. Let us put one thing in context. When someone makes an investment, buys some stock for $1,000, holds that stock until the stock is worth $1 million and leaves it to their children, there is no tax on that $999,000 profit.

The reason is that there is an estate tax on those assets. Those who propose to abolish the estate tax while continuing the current provision that provides a step up in the basis of assets received from a decedent are not arguing to abolish double taxation, they are arguing to abolish single taxation. In fact, the amount of revenue that the Federal Government gives up through allowing that step up in basis is quite significant, even when compared to the total revenue generated by the estate tax.

I would point out that, if we want to abolish double taxation, let us start by providing a credit for every working family equal to the sales tax that they have to pay, so that somebody who is trying to make it on 6 bucks an hour or 9 bucks an hour goes out and buys goods in their State, goes out and buys food and clothing, that we care for that working American first and worry about that double taxation where somebody makes 6 bucks an hour, makes a certain amount, loses a chunk due to Federal taxation, and then sees a portion of that net pay going in State sales tax.

We are told that many businesses are not continued in family ownership and that somehow that is terrible for the employees. But we are given only the statistic that the heirs of small businesses choose not to continue those businesses. We are not told why. Does the son or daughter of a farmer want to be a farmer? Sometimes yes, sometimes no. If they choose not to be in agriculture, is that traceable to the estate tax? Only by a few stories, a few analyses, no statistics.

We are told that family businesses are sold and that is bad for the employees of those businesses. Are we given any statistics as to what happens when those family businesses are sold? No. Nor are we told whether those family businesses are sold because there is a Federal estate tax or for some other reason.

In fact, we have special provisions in the estate tax law designed to minimize and delay the effect of the estate tax on those whose inheritance is made up chiefly of a farm or chiefly of a closely held business. Those tax provisions are availed of, I believe, roughly 6 percent of the time. That means we are abolishing a tax that 94 percent of those paying the tax have nothing to do with small business, or at least nothing to do with those provisions.

Mr. Speaker, I regret only that 5 minutes does not allow me to even scratch the surface of the disadvantages of this bill. I look forward to the debate on Friday.

NATIONAL EMPLOYMENT DISPUTE RESOLUTION ACT OF 2000

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. Mr. Speaker, I am today introducing the National Employment Dispute Resolution Act of 2000. This bill will build on H.R. 3528, the Alternative Dispute Resolution Act of 1998, which we passed last Congress. The goal of this initiative is to establish alternative avenues for the resolution of disputes.

The bill I introduced today will amend five current statutes, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991.

Essentially, the bill mandates mediation as an alternative to litigation of employee claim under these statutes.

Alternative dispute resolution is commonly referred to as ADR. ADR includes a range of procedures, such as mediation, and it also includes arbitration, peer panels and ombudsmen.

Traditional dispute resolution in America almost always involves a plaintiff and a defendant battling each other in a court before a judge or jury to prove that one is wrong and one is right. It is time consuming, it is expensive, too expensive for most wage earners to afford, and often too time consuming to be of much practical use.

In addition, as one writer has observed, a process that has to pronounce ''winners and losers necessarily destroys almost any preexisting relationship between the people involved'' and ''it is virtually impossible to maintain the civil relationship once people have confronted one another across a courtroom.''

The National Employment Dispute Resolution Act of 2000 requires all Federal agencies and private employers to establish a volunteer alternative dispute resolution program.

The purpose of the bill is to guarantee that all litigants have another way to resolve their differences short of a full trial.

Mediation is a volunteer process in which a neutral party, a mediator, assists disputants in reaching a negotiated settlement of their differences.

The process allows the principal parties to vent and diffuse feelings, clear misunderstandings, find areas of agreement, and incorporate these areas of agreement into solutions that the parties themselves construct.

The process is quick, efficient, and economical. It also facilitates the lasting relationship between disputants.

A recent survey by the General Accounting Office showed that mediation is the ADR technique of choice among the five Federal agencies and five private corporations that were surveyed.

The report stated, ''Most of the organizations we studied had data to show that their ADR processes, especially mediation, resolved a high proportion of disputes, thereby helping them to avoid formal redress processes and litigation.''

In a taped message during a recent Law Day Ceremony, Attorney General Janet Reno said, ''Our lawyers are using mediation . . . to resolve employment cases. I have directed that all of our attorneys in civil practice receive training in mediation advocacy.''

On that same day, President Clinton issued a memorandum creating a Federal interagency committee to promote the use of alternative dispute resolution methods within the Federal Government pursuant to the Administrative Dispute Resolution Act of 1996.

In addition, the Civil Rights Act of 1991 encourages the use of mediation and other alternative means of resolving disputes that arise under the act or provisions of Federal laws amended by the title. In 1995, the Equal Employment Opportunity Commission promulgated its policy on ADR which encourages the use of ADR in appropriate circumstances.

Mr. Speaker, thus the bill that I introduce today is but another step in the fabric we must weave to ease the burden on our courts and provide an expeditious response to disputants who wish to resolve their claims and differences.

I urge all of my colleagues to take a close look at the National Employment Dispute Resolution Act of 2000.

□ 2045

ELIMINATING THE ESTATE TAX

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes as the designee of the majority leader.

Mr. CRANE. Mr. Speaker, I rise today to address the tax that is one of the most obscene, unfair, and immoral of all taxes. The estate tax, or what is commonly referred to as the death tax, since it is generally triggered only by one's removal from productive life, has outlived its usefulness. Later this week, this body will be voting on legislation to eliminate the death tax, and I think it is past time to bury the death tax once and for all.

Mr. Speaker, I am submitting for the RECORD an article by William Beach from the Heritage Foundation entitled ''Time to Eliminate the Costly Death Tax.''

TIME TO ELIMINATE THE COSTLY DEATH TAX

(Published by William W. Beach, the Heritage Foundation)

The U.S. House of Representatives is once again poised to vote on repealing the federal death tax. In view of the strong support that death tax repeal receives from the general public, the House debate should be firmly grounded in what an increasingly large percentage of voters already know: Death taxes adversely affect many times the number of people who pay the tax collector. The Death Tax Elimination Act (H.R. 8), sponsored by Representatives Jennifer Dunn (R–WA) and John Tanner (D–TN), is a response to this growing understanding and offers the House its second opportunity in an many years to eliminate this onerous tax.

Death taxes most often burden the very people that tax policy is intended to help. For example:

Women and minorities are very often owners of small and medium-sized businesses. After sacrificing daily to build their businesses by reinvesting their profits, they soon realize that the financial legacy of their hard work, which they hoped to pass on to their children, instead will fall victim to confiscatory taxation and liquidation.

Farmers often face losing their farms, but this is not so much because of competition from wealthy agribusinesses or capitalist ''robber barons.'' More often, it is because the federal government heavily taxes the estates of people who invested most of their earnings back into their farms and had only meager liquid savings.

Workers suffer when they lose their jobs because many small and medium-sized businesses are liquidated to pay death taxes and because high capital costs depress the number of new businesses that could offer them a job.

Low-income people are harmed—not only because the general economy is weakened by the death tax's rapacious appetite for family-owned businesses, but also because the death tax discourages savings by encouraging consumption.

Specifically:

Death taxes hurt small businesses. Investing in a business is one of the many ways to save for the future. For most small firms, every available dollar goes into the business—the dry cleaning firm, the restaurant, the trucking company—to ensure that it sustains an income for the owners's family and is an asset to pass on to children. Women with children often find self-employment to be the only entry-level work available. Minorities, many of whom wish to raise their families in ethnic communities, understand well the virtues and promises of self-employment. Yet the financial security that family-owned and small businesses provide these Americans is put at risk if the owner dies with a taxable estate.

In an important 1995 study of how minority business owners perceive the estate tax, Joseph Astrachan and Craig Aronoff, economists of Kennesaw State University in Georgia, found that:

Some 90 percent of the surveyed minority businesses know they might be subject to the federal estate tax;

Although 67 percent of these businesses have taken steps (gifts of stock, restructuring ownership, purchasing life insurance, and buy-sell agreements) to shelter their assets from estate taxes, over 50 percent of them indicate that they would not have taken these steps had there been no estate tax; and

Some 58 percent of all respondents in the survey anticipate business failure or great difficulty maintaining the business after their death.

Death taxes are more ''affordable'' as income rises. Taxpayers who cannot pay tax-planning fees frequently lose more of their estates to death taxes. Thus, what appears to be a progressive tax contains a regressive dimension. Experts on the death tax continually are struck by the number of taxpayers who are insufficiently prepared to pay the death tax and by the high correlation of these types of people with those who have not had the benefit of high-priced legal and accounting advice. Indeed, legal avoidance of high death tax liabilities is closely related to the amount of fees taxpayers are able to pay for expensive tax-planning advice.

Death taxes undermine savings and investment. Not only do death taxes reduce potential employment opportunities and undermine the promise that hard, honest labor will be rewarded, but they also encourage consumption and undermine savings. What can be said generally about income taxes can be stated emphatically about death taxes: Accumulation of more wealth will lead to more taxes, while consumption of income will result in relatively lighter taxation. In other words, it makes more tax-planning sense to buy vacations in Colorado or a painting by Rubens than to invest in new production equipment or expand a business.

Death taxes are costly to collect. The economic effects of the disincentive to save and invest are striking, especially in light of the relatively small amount of federal revenue raised by death taxes. A 1996 Heritage Foundation analysis of death taxes using the WEFA Group U.S. Macroeconomic Model and the Washington University Macro Model, for example, found that, if the estate tax had been repealed in 1996, then over the next nine years: The U.S. economy would average as much as $11 billion per year in extra output; an average of 145,000 additional new jobs could be created; personal income could rise by an average of $8 billion per year above current projections; and the extra tax revenue generated by extra growth would more than compensate for the meager revenue losses stemming from the repeal.

The death tax is not even a good value for the government. Federal death taxes probably are the most expensive taxes to pay and collect. Death taxes raise just slightly more than 1 percent of total federal revenues, but according to one 1994 analysis, total compliance costs (including economic disincentives) amount to about 65 cents for every dollar collected. Other studies, which subtract disincentives and examine only direct outlays by taxpayers to comply with estate tax law, put the compliance cost at about 31 cents per dollar. This additional cost means that the $27.8 billion collected in federal death taxes last year actually cost taxpayers $36.4 billion.

Mr. CRANE. Mr. Speaker, I would now yield to our distinguished colleague, the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means here in the House of Representatives.

Mr. Speaker, later this week we will come to this floor to vote on putting at long last the death tax to death, and we will be offered a clear choice. Some in this chamber will embrace the politics of envy, but, Mr. Speaker, I believe a bipartisan majority will embrace the principles of fairness, hope and opportunity, for that is what we seek.

As my good friend from Illinois just pointed out, there is no tax more unfair than this death tax. Stop and think about it. Think back to the very foundations of our Nation, to one of our founders, Benjamin Franklin, who had a gifted and diverse career, who indeed won much public acclaim and a fair amount of his fortune as a social commentator in Poor Richard's Almanac when he observed, ''There are only two certainties in life, death and taxes.'' But even Dr. Franklin, with all his wisdom, with his ability to seemingly see into the future, not even a person as impressive as Dr. Franklin do I believe would realize that one day the constitutional republic that he helped to found would literally tax its citizens upon the day of their death.

The rallying cry is simple, my colleagues. The American people instinctively understand it. No taxation without respiration. And here is why. This vast Federal Government, accumulating revenue in much the same way as I, before I went on my diet, would go to a buffet line kind of piling it up,

searching for it in every nook and cranny, this ravenous Washington bureaucracy seeking revenue, when all is said and done, picks up precisely 1 percent of its revenue through the death tax, and yet three-quarters of that 1 percent is spent badgering widows and children and survivors of those who embraced the American Dream, who built up small businesses, who fed and clothed Americans on farms and ranches.

Indeed, my colleagues, perhaps nowhere is it more dramatic a dilemma than on the family farm or on the family ranch across the width and breadth of our great Nation. This is a classic dilemma. Those who have the family farm could be accurately called cash poor and land rich. When there is a death, it is quite simple, Uncle Sam comes to the survivors and says, here is an expensive tax bill, pay it. How then is it paid? Well, the family farm is sold.

And one of my friends who chooses to embrace the politics of envy, who preceded me in this well, claimed there were no statistics to offer on this. Well, I know that there are those who long for the soul of the accountant in all of these transactions, but I do not want to besmirch the profession of accountancy. I simply want to point out that especially my colleagues from suburban and urban districts might be compelled to realize that there is life outside the major metropolises; that power does not come from a light switch; that milk does not come from the corner market; that America's farmers provide these things, and the death tax absolutely pummels rural communities and family farms and ranches.

We feel that acutely in the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania, from the small hamlet of Franklin in Southern Greenlee County, north to Four Corners, west to Flagstaff, and south again to Florence, really all the way south to San Manuel, site of the largest underground mine in North America. Hard working people who play by the rules and a multitude of small towns are ravaged by this death tax. Because those who have spent their time building businesses, who helped provide for the farmers and ranchers, are forced to sell those businesses.

Perhaps my colleagues have seen it in their communities. Perhaps those in larger cities would see it if they could take off their blinders and resist for a time the politics of envy. Perhaps they too could realize that, yes, more often than not, when a family loses control of a business, there is a reassessment and, yes, long-time valued employees are let go. Under new management often means faithful employees are out the door.

And even as we champion new economic opportunities, why add to uncertainty? What crime have these families committed that would prompt the Federal Government to say to them, ''Sell your business; pay Uncle Sam.'' They have committed to crime. But under our curiously misguided Tax Code, as it stands today, they have committed an offense in the eyes of those who always embrace the radical redistribution of wealth. Mr. Speaker, those folks worked hard and succeeded and they are being punished for succeeding. And it is wrong and it has cost America too many family farms, too many family ranches, and too many small businesses.

No matter the platitudes of the left and those who preach the politics of envy, it is common sense, Mr. Speaker. Across the width and breadth of the Sixth Congressional District I have held many town meetings. My colleagues who join me tonight will attest to the fact that there is no greater thrill than meeting with constituents and listening to what is on their minds. And how many times have I heard the story of a family ranch being sold to satisfy the tax man.

Indeed, Mr. Speaker, we hear these stories even as we return to this capitol, ofttimes referred to as the crossroads of America because we meet so many people from so many other places. A gentleman stopped me just last night, told me the story of his 83-year-old mother who, some years ago, upon the death of his father, was told by the Washington bureaucrats, ''You have a tax bill of over $800,000. We don't care how you pay it, you just pay it.'' And, just like that, the family business was gone, Mr. Speaker.

Now, some of my friends in accounting might say, oh, that lady had the assets to sit down with a tax attorney or an accountant. Certainly she could have provided some sort of means to hold on to the family business. She is to blame for not doing so. No, Mr. Speaker. No, the blame is not on that lady in her 80s, now forced to subsist on Social Security. The fault lies in a Tax Code that punishes people for succeeding, that deprives other Americans of jobs, that inhibits the very free market principles and the notion of rewarding ambition and success and prosperity upon which this country was built and upon which this country can prosper. But we can change that this Friday when we put this death tax to death.

I mentioned a second ago, Mr. Speaker, town hall meetings. Another thrill we have, those of us who are honored to serve in the Congress of the United States, comes on those occasions when we are able to appoint young men and women to our military academies. I was in Winslow, Arizona, where two young men who aspired to attend one of those military academies received permission from their high school principal to leave during the lunch hour and join us at city hall for a town hall meeting. And there in Winslow, Arizona, the farmers, the ranchers, and the small business people were lamenting this death tax. And one of those young men, just really the epitome of all that is good in young people wanting to serve their country, one of those young men stood ramrod straight and said, ''Congressman, sir, do you mean to tell me the Federal Government taxes you when you die?''

Now, initially, there was laughter among the older members of that audience in that town hall meeting. But then, upon further reflection, my constituents decided that really was not funny; that it epitomized just what was so unfair, just what was so unjust, just what was so unproductive about continuing to punish people for succeeding and trying to pass on their businesses, their dreams, to their heirs.

Now, again, my colleagues, we have a choice. There will be those who continue to propagate the fiction that we should rely on the politics of envy, but a bipartisan majority will emerge this Friday saying we embrace the policies of hope. And the first step we take to do that is to put this unfair, unjust death tax to death.

Mr. Speaker, I yield back to my colleague from Illinois.

Mr. CRANE. Mr. Chairman, I congratulate our colleague for his insightful observations on this immoral Tax Code that we are speaking about tonight. And I now would like to yield to our distinguished colleague, the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman for yielding to me tonight to join with him and others to talk about the repeal and the elimination of the death tax.

As the gentleman knows, the strength of our Nation's economy rests in its small businesses, small farms, and small ranches. That is where new jobs are created. That is where the economic vitality of this country is. I am proud of the fact that I represent, I think, the largest constituency of small businesses, over 25,000 small businesses in my district, over 40,000 farms and ranches.

One of the characteristics of every one of these businesses is that the owners plow almost all the cash flow that they generate, almost all the dollars they earn back into those enterprises and those businesses. Early on, it is usually to pay off the debt that it takes in order to get started in that business. Then, later on, they will use that money to add to inventory or to add new equipment or machinery to expand the business and to make it grow or to put new people to work.

Now, these family farmers and these family ranchers and these small business owners usually make very little. In the case of the farmers and ranchers, they will accumulate a thousand acres or so, perhaps, and 100 critters or so, but they have relatively little cash flow to show for it. They often have little to show for it. Almost always they have no savings account, no retirement account. Sometimes they will have an old pickup truck or an old car or an old farm vehicle.

□ 2100

As my colleague the gentleman from Arizona (Mr. HAYWORTH) said, these people become asset rich and cash poor. But eventually for all of us retirement comes, and it is at this point that these folks have a really big problem. Because they have little in savings and little in retirement, the only thing they can rely upon is the asset, the farm or the ranch or the small business that they accumulated. So, in order to retire, they usually have to sell this business or part of this business to their kids or to other people.

Now, until the Republican Congress reduced the capital gains tax, if we added the Federal tax and the State tax together, that owner of that business had to give a third of whatever they got for that business in taxes. But that was not the whole story. If they sold that business to their kids, their kids would have to pay 40 percent income tax on those payments, as well.

So, in order to transfer that family farmer business, if they sold it to their kids, they would have to pay 70 to 80 percent taxes on that transaction. Very few businesses could generate that kind of income.

We reduced the capital gains tax, and now it is down perhaps with State and local tax to 25 percent. But if they sell part of this business to retire to have some cash flow and leave the rest of it to their kids, they are going to pay 60 percent tax on what they sell to them and 56 percent tax on what they give to them.

Now, if they can possibly generate the money that is necessary to pay those kinds of taxes, what it means is there are no dollars to modernize that business to cause that business to grow and to expand; and the result of that is that the lion's share of those businesses fail because of the huge debt that they have to take on because of estate tax.

Virtually every farm group in this country, virtually every advocate for small business in this country will tell us that the greatest threat to these family enterprises, farms and ranches and small businesses, is the death tax. It is not low commodity prices. It is not competition. It is this unfair tax. Farmers and ranchers just simply cannot generate the cash flow they need to create a living for the people that work and operate that farm or ranch or business and to pay this tax.

So what ends up happening as an alternative? Well, what ends up happening as an alternative is they will sell out to celebrities, for example, in my State. Ranch after ranch are being bought by Hollywood types or people who have earned their income from somewhere else who buy their ranches or farms for recreation. The result of that is that they are no longer productive farms and ranches, they no longer add to the vitality of these small rural communities, and it is destroying the economy of these rural communities.

Worse yet, many times the farmer or the rancher will subdivide the land, divide it into 20- or 30- or 40-acre parcels, and sell one parcel or two parcels a year to generate enough money to retire on. In the end, they replace a ranch with a bunch of ranchettes. What happens then is we lose all the wildlife habitat, we lose the open spaces and the greenbelts that so many people advocate for in this Congress.

Now, the sad thing about all this is that the very wealthy do not pay this tax. They use trusts, family trusts and charitable trusts, and all kinds of mechanisms to avoid paying these taxes for generation after generation. They avoid this tax.

But, my colleagues, 40 percent of the death taxes that are collected by this Government are collected on estates of less than a million. These are estates where there are family enterprises. They are the ones that pay this tax.

It is not a fair tax. It is not good for our economy. It is not good for our environment. It is eliminating green spaces and greenbelts. It is destroying the economy of rural America. It is eliminating the visual relief that so many of our city dwellers want to see when they pass into the farm country. But passing this bill to repeal the death tax, the Death Tax Elimination Act is essential for keeping agriculture and families, for maintaining these family farms and these family ranches, and to continue these family businesses.

I am proud to be a cosponsor of H.R. 8. On Friday I know we are going to have a strong bipartisan vote. I am confident the Senate will pass it and the President will sign it. I urge my colleagues to support the bill.

Mr. CRANE. Mr. Speaker, I yield to our distinguished colleague, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of the efforts that we are going to do for American families this week and eliminate the unfair death tax.

Some of us like to talk about this issue in terms of numbers and percentages and policy. And really what this does is it protects our families. This is a family bill, but let us talk about it in the sense of overall policy. And that is that, in my generation, we have done well in either running the family business or even starting our own; and our fathers, the greatest generation, have done well, as well.

So we have to figure out, in continuing prosperity and trying to widen and deepen prosperity so it touches even more, if we are going to continue policies of the Government usurping and taking money out of the private sector and, therefore, stalling or risking future prosperity for our children, then that is one policy we can take as this next generation transfers their assets to the next generation.

Or we can do the right thing and allow that money to transfer to the next generation, where it will be put back into the economy, where it will be spent to expand, to recapitalize the family businesses. Or, God forbid, they spend it on other things and continue to stimulate our economy and ensure prosperity for our children when they graduate from school that they will have opportunities for good jobs.

But we can talk about it in the policy sense and how it is the right thing to do. But what I want to do is just talk about the impact on the families in Nebraska, because I am here to fight for those families. Because what this does, when we eliminate the death tax, what we are, in essence, doing is protecting the culture, the history and the heritage of families.

Yesterday in our office we had the Farm Wives Association. What was their number one issue? It was elimination of the death tax. They want to try to pass their family farm, many of which their grandfathers staked out, they want to pass it to their sons and their daughters. But they cannot.

The average farm size in Nebraska is about 840 acres. That is well over the limit before we even get to the machinery and the value that the IRS would place on that business. But it is a cash poor business. They have no choice but to sell that farm instead of passing it to the next generation. They have to sell it to pay their IRS tax bills. They have to. They have no other choice.

So, as we are talking about protecting the history and the culture of our small family farmer, it is our IRS policy that is forcing the consolidation. It is these families that are selling out to the Ted Turners who own tens of thousands of acres in Nebraska.

But let us talk about in Omaha, Nebraska, where I was born and raised. Let us talk about the Omaha Printing Company, a third-generation company. It is a small business. They employ about 30 or 40 folks. Yet, they have several really impressive machines when I took the tour of it, and each of those machines run well over $500,000 to $600,000. They have three of them right there that is putting them to the limit before we get to all the other assets of that business and the valuation.

The father that is currently operating that business is going to have a choice to make. Sure, they have paid the lawyers and the accountants to try to comply with this tax code and trying to pass it to the next generation, but they are realizing that they are probably going to have to spend about 40 percent to 50 percent of the assets of that business to try and keep it in the family.

What about in south Omaha, the great and colorful cultural area of our town, with the Jocobo's grocery store and tortilla plant. They have got a couple of taco shell and tortilla shell machines in the back, just a couple of them. But the value of their inventory and the value of the machines itself puts them over before we get to the valuation. And Carlos, who is in his early 40s and has a young family that he would like to pass the grocery store on to, he may not have that opportunity.

Mr. Jocobo emigrated from Mexico several years ago, 40 years ago, and established a small south Omaha business. It is really the center and the hub of this colorful Hispanic community that is so vibrant in south Omaha.

I just hope that we do the right thing, Mr. Speaker, for that Hispanic owned grocery store and small business in a colorful part of my district. We have an historic opportunity to protect, to work, and fight for families and their history and their culture. Let us not miss this opportunity.

Mr. CRANE. I now yield, Mr. Speaker, to our distinguished colleague from California (Mr. BILBRAY). I was going to say Australia.

Mr. BILBRAY. Mr. Speaker, I thank the gentleman very much for yielding.

For the Record, my mother is from Australia, but she is an American who is from Australia.

Mr. Speaker, I just wanted to sort of echo the issue that when we talk about the death tax, I think too often we talk about the families that have to give up their businesses and give up their homes and their farms and the way that it breaks up the hard work and the sweat of parents, their ability to pass it on to their children, but I think that we do not talk about the bigger picture.

I want to articulate something. The fight against the death tax should not be a fight for the taxpayer. It should not even be for the small farmer or the small business owner. The fight against the death tax should be a fight for a civilized, decent society, and that is it.

Now, my colleagues may say how can I tie the death tax to the concept of decency? Well, Mr. Speaker, I always try to think about what will history say about us as a society.

There is this movie out ''The Gladiator'' about this great civilization called Rome. But how can they be a great civilization when they had the kind of blood letting they had? And history has damned the Romans for that.

What I worry about is what will history say of the greatest nation in the history of the world, the United States of America? What will they say about us a thousand years from now? And will they say about us, oh, they were a great nation, but they taxed their dead? How are we going to justify ourselves to history?

Now, there is a bigger picture here that I think we have got to address, and that is the fact that this tax does not just impact individuals and businesses but it is impacting us as a society.

I think those of us on the Republican and the Democratic side will say one of the biggest concerns we have is watching multinational corporations come into the United States and absorb and digest and consume small entrepreneurial family businesses such as farms and businesses. And we will hear those on both sides of the aisle talk about how multinational corporations are getting so big and they are basically getting the monopoly because the little guy is being gobbled up. And it is right.

The true defender of the consumer is not government. The true enemy of big business is not big government. It is little business that competes and gives the consumer an alternative than the big business corporations and the multinational corporations that we hear our liberal friends always yelling about. But our tax laws, my colleagues, are subsidizing and encouraging and at many times mandating the selling out of small entrepreneurial businesses to the multinational corporations.

I will give my colleagues one example. Roll Construction in San Diego is a family-built construction business and they have come to the conclusion that when mom dies, the only way for them to be able to pay the death tax is to sell out to a major multinational corporation.

□ 2115

This is what it really comes down to. Are we for the little guy? Are we truly for the taxpayer? Are we truly for the American? Or are we so hell-bent to get our pound of flesh that we are willing to not only tax the dead, sell the farm, sell the business, but also subsidize the big corporate interests? That is something that we do not hear a lot of talk about here. I think that we need to talk about it. Because I think that we have got to understand that this will not only impact and help the corporate but when the consumer is looking for competition, when the consumer needs the break, the consumer will not have the little entrepreneurial business to be able to beat the big guy because he is not going to be around because the United States government has taxed them into nonexistence. And so I think that when we talk about the death tax, I want to ask our colleagues on both sides of the aisle, think about what you really care about. And if you are so hell-bent to try to get the rich guy, remember what happened in 1898 when this government said we are going to get the rich guy by taxing the rich guy's phones because everyone knows that the little guy and the working class does not have phones. History has proved this year, we realized what a huge mistake that politics of envy and of hate generate in the tax code. The working class got nailed the worst of anybody proportionately.

Remember in the early 1990s when they said we are going to tax the rich and get their boats because that is a luxury by the rich. Who got hurt? Who got hurt was the working class that were building those boats. They were out of work. The business left the country. I think we all remember the concept of the income tax was to really tax those who made about $800,000 in today's dollars. It was only going to be 1 percent. Who would care? We are only taxing the rich. I think every working-class family today now realizes what goes around comes around.

Mr. Speaker, I just think that we have got to say if we believe in capitalism, if we believe in a free economy, if we believe in government not subsidizing major world corporations, if we believe in the fact that the family unit has the right to serve a community as a family unit, as a business and a farm, then the death tax has to go.

I will close with one last example. There is a Latino family in my district whose father immigrated here back in the 1950s, who has raised a family and the sisters and the brothers and the mother and the father and the uncles work in that print shop. They have grown their business in printing. The fact is, though, they came to me and said, ''If anything happens to mom and dad, we have to sell out.'' Who will they sell out to? To the people who have the money to buy them out, the big corporate interests that do not want to see those small entrepreneurial immigrants competing with them. I would just ask us to consider that and let us not talk about and cry about the fact that big companies are getting bigger unless you are willing to stand up and say, okay, there are some things we cannot control in the private sector but this is one we can. Government, for God sakes, quit subsidizing the major national corporations and start it here first by not forcing small family businesses to sell out to them. We hear a lot of talk about that, about not subsidizing corporate business, on both sides of the aisle. That should be right. But the death tax is the major force of making them sell out. You can see every study in the world what breaks the back of the family business.

So I ask my colleagues a thousand years from now, what will historians say about this Congress and this society and this Nation? Will they say that we taxed the dead and taxed their citizens to death or will they say they recognized the wrong, they recognized the injustice, they recognized the immorality of their tax code and they did the right thing and killed the death tax.

Mr. CRANE. I commend my distinguished colleague from California.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I want to first of all to say that I rise in very strong support of this legislation to eliminate the death taxes in this country. This is something that I have cosponsored for several years. I want to thank the gentleman from Illinois for yielding. First of all I want to commend him for putting together this very important special order and for leading the charge in this battle as he has on so many other things over the years in this Congress.

I first got to know the gentleman from Illinois (Mr. CRANE) when he came to speak to a very small group of conservative students at the University of Tennessee in 1966. Then I think it was about 1972, I had him come

speak to the George Washington University Law School to a packed audience. I think he put those students into shock because with the lack of true academic freedom that we have on the college campuses in this country, many of those students at George Washington Law School had never really heard a truly conservative speaker such as the gentleman from Illinois. I am proud to call him a friend. I think he is one of the finest men that I have ever known in my life.

Mr. Speaker, let me just say that today, and many people do not realize this, the average person pays almost 40 percent of his or her income in taxes of all types, State, Federal and local, sales, property, income, gas, excise, Social Security, all of the other types of taxes, and the estate or death taxes. Then it is estimated that consumers pay another 10 percent in regulatory costs that are passed on to the consumer in the form of higher prices. A Member of the other body our good friend Senator THOMPSON from Tennessee, I remember a couple of years ago he had ads on television which said today one spouse works to support the family while the other spouse has to work to support the government. There are some of us in this Congress, in fact many of us in this Congress and I think an even greater majority across the country that think that basically half of the average family's income going to support government is not only enough, it is far, far too much. This legislation to eliminate the death tax I am told will put over $20 billion back into the pockets of average Americans. It probably, as the gentleman from California (Mr. BILBRAY) has just pointed out, is the most important single thing that we can do to help small business and to help small family farmers in this country.

It has been a regular thing since World War II to have White House conferences on small business. In almost every one of those conferences, the number one or number two issue for these small businesses has been the effort to try to eliminate the estate or death taxes. It has been I think one of the very top issues for the American Farm Federation and other farm organizations. It is something that is long, long overdue. The gentleman from Pennsylvania (Mr. PETERSON) told me that it takes $12 billion just to collect this tax. And so the government really does not make that much but it takes a lot of money away from families and small businesses in this country. As the gentleman from California did such a great job just a few minutes ago pointing out, this is probably the best thing that we could do to help small business, if we all decry the fact and worry and show concern about the fact that every industry seems to be going to the big giants, the big keep getting bigger and the small keep going by the wayside because they cannot survive, they have to merge and they have to keep growing and get bigger and bigger to survive or merge or sell out. And so if somebody wants to really help the big giants in almost every industry and if you want to help, as the gentleman from California said, the big multinational corporations, probably one of the best things you could do is support keeping these death taxes in effect. But if you want to see family farms survive and if you want to see small businesses survive, then you will support this legislation to eliminate these death taxes that I think we will have on the floor on Friday.

I remember several years ago, quite a few years ago I went with a friend to see the University of Tennessee play Georgia in a football game. We were in Atlanta and had breakfast with these two accountants who specialized in buying businesses. They told us that most of the businesses they bought, they bought from second-generation owners because they said it was hard to buy from a first-generation owner because the business was usually that person's dream. But they said that if they ever found a business that was in a third-generation ownership, they thought they had hit the jackpot. But they told us, do you realize how rare it is, how extremely unusual it is that a business makes it into the third generation of ownership? And I think one of the main reasons that so few businesses make it into the third generation of ownership is because of these death or estate taxes that have forced so many families to sell out to bigger businesses or bigger corporations.

We started several years ago when control of this Congress changed trying to bring Federal spending and the Federal Government under a little bit of control. The first 6 years I was in this Congress, we were just routinely voting 12, 15, 18 percent increases for every department and agency out there. Mr. Speaker, to show how bad it had gotten, Alice Rivlin who was the President's head of the OMB and is now in the Federal Reserve put out a memo that said if we did not make some changes, this was a few months after President Clinton came in, we were going to have yearly deficits or yearly losses of over $1 trillion a year by the year 2010 and between 4 and $5 trillion a year by the year 2030. If we had sat around and allowed that to happen, I think everybody knew the whole economy would crash. Since the control of the Congress changed, we at least have brought Federal spending under some type of control so it is basically just rising at the rate of inflation. But we have not cut nearly as much, and we really have not cut at all like some people think. About 3 months ago, Robert Samuelson in Newsweek wrote a column, and he is not considered to be a conservative columnist at all, he wrote a column and he said, ''Government is slowly getting bigger because paradoxically we think it is getting smaller.'' That is what Robert Samuelson wrote in Newsweek about 3 months ago. ''Government is slowly getting bigger because paradoxically we think it is getting smaller.'' Government keeps getting bigger and taking more and more from the people of this country and there are many of us who think that the average person in this country knows better how to spend his or her own money than Federal bureaucrats in Washington know how to spend it for them. That is the philosophy behind this legislation to eliminate the death taxes. There is very little legislation that can do more to help the economy and to help small business and small family farms and to give a little money back to the people of this country so that they can use it on their own families rather than have the Federal Government just continue to waste it and waste it and waste it. I rise in strong support of this legislation.

Mr. CRANE. I thank the gentleman for his kind remarks. I would remind colleagues I had the distinct privilege of serving with his father who was also our chairman of the Committee on Ways and Means. We are all honored that the gentleman has had the opportunity to succeed his father and represent the good folks down in Tennessee.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding very much. I did not intend to come to the floor and speak tonight but I was watching this discussion on television and decided to come and share just a couple of points I think that are important. About 3 years ago, we passed the Balanced Budget Act of 1997. It had a lot of good things in it and a few bad things in it. As we oftentimes have to do, you have to weigh the good versus the bad and make a judgment call. I think a lot of good came out of that. But very few people out there realize that at the very last minute of the negotiations of the Balanced Budget Act of 1997, which really have set in place the framework of the balanced budget and the spending caps that have kept the budget balanced and I think stimulated the markets and given investors confidence and helped this economy thrive over these last 3 years, but at the very last minute, one of the biggest disappointments that I have had in the last 6 years that I have been here was that they changed their plans with respect to the elimination of the death tax or the lifting of the exemption of the death tax, because the negotiations centered around doubling the exemption back in 1997 for the estate tax, the death tax so that when people die, a certain percentage of what they have is not taxable.

□ 2130

And it was a great disappointment at the 11th hour back in 1997 when, instead of doubling the exemption for the death tax, they came back and put just an annual index on it. So it gradually goes up.

That was a big disappointment, because back home in Tennessee, where I live and spend time with my family and the people that I represent, there are a lot of stories about regular people, hard-working small business people that are affected by this unfair tax at death, where the taxman comes, when a family member dies, and asks for the money very soon after death, within 6 months, and you have to pay up. You have to find the money to pay up.

In Washington, we went through an appropriation's markup today. There is a lot of rhetoric from the other side of the aisle about this whole tax proposal to eliminate the death tax over time and to raise the exemptions and to give death tax relief to small business people and individuals out there.

There is a lot of talk that this is a tax plan for the top 1/10 of 1 percent of the wealthiest Americans. Let me tell you what my experience is: This is all about doing what is fair for people in this country. Some of them, yeah, they were in business. Some of them are family farmers, but a lot of them are just grassroots small business people that find themselves in a position that they have to pay the taxman when maybe their parent passes away.

I just want to tell a story, without naming names, about a young man, a young family in my Sunday School class at Red Bank Baptist in Chattanooga, Tennessee. This young man is in business with his father. He lost his mother just a few years ago. When his mother passed away, he analyzed the situation being in business with his father, because it really hit him like a ton of bricks that he needed to have some tax professionals look at his situation. He found that if something were to happen to his father, he would owe the taxman large sums of money and, effectively, be forced to sell his business.

Now, this is not some kind of big business. Let me tell you. This is small business. I am talking about old buildings. I am talking about a lot of maintenance. I am talking about very few employees, less than 10. I am talking about a very small family business, yet, over time, they built up enough momentum and enough assets that at death this individual, if his father passed on, would have an enormous and immediate tax bite.

Frankly, all that money that has been generated for this family business over this generation has already been taxed, yet, the government in this country at a time where we have a budget surplus, where we do have a good economy and consumer confidence, this is the time where WE say what are the most unfair taxes and let us eliminate them; what are the taxes that will give the most economic stimulus, and let us cut them.

This is a time where you can return some of the money to the people that pull the wagon in this country, and that is what I found. My friend needs this tax relief. He is not wealthy. He needs this tax relief so if something happens to his father, he is not forced to sell that business.

We have to have some generational equity in this country again, where families work and invest and hand down and pass down the fruits of their labor. We cannot have let us take it all out, we have to have, you know, a culture that says let us invest and save and pass down. That is the American dream. This legislation will shore up that American dream.

In closing, let me say this, our free enterprise system is what people in Eastern Europe and the Soviet Union were willing to risk their lives to have. We run all over it. We take it for granted. We mistreat it. We overtax it. We overregulate it. We overlitigate it. It is the goose that lays the golden egg of American opportunity, and that is our free enterprise system.

It is precious. This piece of legislation is the next great example of the difference between the two approaches of whether we hold up profit as a good word and the free enterprise system as really the anchor of our society. The free enterprise system; yes, you can go into business in this country; yes, you can make a profit. Greed is a bad word. Profit is a good word.

Let us quit treating profit like it is a bad word. The free enterprise system is what the other folks want to have. Let us treat it fairly. Let us give it what it needs. Let us treat these small business people with dignity, and let us lift this estate tax exemption as much as we can. I would say over time, let us just wipe it out, but let us take this next first step on Friday, and let us not let the demagogues win.

This is not about tax breaks for the wealthy. This is about working people that pay the taxes that pull the wagon, and we have to give them some help and get the government off their backs.

Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE) for everything he has done over the years in this institution in the Committee on Ways and Means. I appreciate what he has done for the free enterprise system in this country. I wish him all the best. I am proud of him for what he has done in his personal life. It is outstanding. I appreciate the opportunity.

Mr. CRANE. Mr. Speaker, I thank the gentleman from Tennessee (Mr. WAMP). I deeply appreciate his comments.

Mr. Speaker, I yield to our distinguished colleague, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), the chairman, for putting this together tonight and for bringing this issue to this Congress.

I guess a year or two ago, we heard the demagogues say that the capital gains tax did not need to be cut; that it was going to cost necessary revenues for this country to run off. It was going to cause all kinds of economic chaos.

What happened when we cut the capital gains tax from 28 percent to 20 percent? It released capital. People began to sell properties and sell stocks and sell things that they paid capital gains on, because that 28 percent tax had been reduced to 20 percent. They were willing to pay 20 percent where they were not willing to pay 28 percent.

What happened the first year? $38 billion of additional revenue came into the Federal Government. It did not cost to cut that tax. I think if we would have cut it to 15 percent last year as we talked, we probably would have increased revenues again. We certainly would have helped the growth of business.

Today and this week we are going to be dealing with the death tax, the estate tax. We are going to hear the same arguments, we heard it tonight, that it is about billionaires. It is not about billionaires. It is about small business, small farmers, small sawmills, small manufacturers, supermarket operators, locally-owned ones, locally-owned hardware stores, the people that are in our communities that serve on our borough councils, that serve on our local advisory boards, that serve in the recreations commission that give back to their community.

It is not corporate America. It is the local business people. We heard that it was about billionaires. Well, here are the numbers. 53 percent are 1 million or less, 39 percent are 1 million to 2½ million, 7 percent from 2½ million to 5 million, and 3.7 percent of the cases are over 5 million.

You do not have to have a very big business today to have a couple million dollar business. You can have 4 machines in a building, a couple of trucks and some other office equipment, and you have a several million dollar business. Let us say it is a family business and the children are involved. Oftentimes, the children helped grow the business.

It was a partnership between fathers and sons and mothers and daughters, and as they made this business grow and the parents passed on, the only way they could protect themselves was to spend a lot of capital and buy insurance to pay the taxes, and some do that. It takes money that they might need to buy another machine to expand to grow the business.

This tax is not about large corporations. The public-held corporations do not pay this tax. And where is the future of America? The future of America is small business. The strength and growth of our economy has been new businesses. The record of new businesses is not always real good. Indirectly small business owners, the major producers of most new jobs are forced to hire fewer workers than they desire because of the high capital costs associated with death taxes.

Likewise, with death of a small business owner, many employees lose their jobs when relatives of the deceased

owners are forced to liquidate the business to pay the death taxes. This occurrence is not rare; 70 percent of all businesses never make it past the first generation. 87 percent do not make it to the third generation, and only 1 percent make it to the fourth generation. One of the major reasons for this phenomenon appears to be the death tax.

A recent survey conducted by Prince & Associates demonstrated that 90 percent of successors to family-owned businesses that were forced to liquidate within 3 years of the original owner's death claiming that paying death taxes was one of the major culprits of the company's demise.

Now, when you stop and look at our individual communities, the backbone of our communities are not the national corporations, though we are fortunate if we have a plant there, or if they have businesses there, but the real strength of our communities are the local entrepreneurs, the local businesses, the local sawmill, the local hardware store, people who have lived their life there, who are vitally a part of that community.

Yes, one third of small business owners today will have to sell or liquidate part of their business to pay estate taxes. Half of those who liquidate to pay death taxes will have to eliminate 30 or more jobs. So if we want job growth, this is a tax that prohibits businesses from continuing the growth cycle they are on. Mr. Speaker, maybe they were a business that had two restaurants and were ready to go to number three, and one of the parents die, and suddenly they have to sell one of the restaurants to pay the death taxes.

They stop the growth cycle whenever they were going to go to restaurant number 4 or restaurant number 5, or they were going to add machine number 5 or machine number 6 that would have employed three more people, one more for each shift, and more people for the office and more people to truck the goods in and out.

It is a tax that makes no economic sense. It is also one that is not easy to collect. It costs considerable. It is 65 percent of the tax, 65 percent of the tax that is collected is costs of collection. That is not a very efficient tax. And when you want less of something, tax it heavily.

When you tax something 37 percent to 55 percent, you are going to have a whole lot less of it, and that is what we are doing to successful businesses in this country. We are taxing them 37 percent to 55 percent when they want to transfer that business from the parents at their death to the children. There is nothing right about that.

A study by George Mason University Professor Richard Wagner showed that eliminating the death tax would have a substantial impact on lowering the costs of capital and thus increase the health of the economy. Wagner found that within 8 years of eliminating the death tax, the gross domestic product would be $80 billion larger than expected, resulting in the creation of 250,000 additional jobs and $640 billion larger capital stock.

Ladies and gentlemen, cutting this tax will not lose revenue for this country. In the long run, it will be a stimulus to our country. It will help the small businesses who are competing with the large corporate entities of this world. The future lies with the Bill Gates' of the future who may start in their garage, who may start in a little warehouse someplace in the corner of it and start to grow a new business, providing new service, with a new concept, a new idea, and when suddenly that generation passes on, the next generation can continue.

Yes, even liberals support this. A University of Southern California Law Professor Edward McCaffrey, a self-described liberal, stated in testimony before the Senate Committee on Finance recently, the death tax discourages behavior that a liberal democratic society ought to like. It discourages work. It discourages savings. It discourages bequests, and it encourages behavior that such a society ought to suspect, the large scale consumption, leisure, giving of the very rich. It is a tax on working and savings without consumption. It is a tax on thrift, on long-term savings.

There is no reason, even a liberal populace supports it. The current gift and estate tax does not work. It is a deep tension with liberal ideals and lacks strong popular or political support; that is from a liberal.

Ladies and gentlemen, it is time for us to do away with the death tax. It will have a positive economic impact on the future growth of America. It will grow new jobs. It will inspire our economy to grow, and it is time we eliminate it.

☐ 2145

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague for his remarks. In conclusion, I would simply like to pay tribute to our colleagues, the gentlewoman from Washington (Ms. DUNN) and the gentleman from Tennessee (Mr. TANNER) who are cosponsors of H.R. 8. It has had bipartisan cosponsorship from the outset, and I look forward to good, strong bipartisan support on Friday when we finally eliminate this obscene component of our Tax Code.

CONCERNS OVER SOCIAL SECURITY CHANGES PROPOSED BY GOVERNOR BUSH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to discuss my concerns over the changes in Social Security that have been proposed by Governor Bush of Texas.

Mr. Speaker, as we know, Social Security has lifted millions of seniors out of poverty. It is by far the most successful economic program ever passed by Congress, and the reason for its success is simple. It offers a guaranteed benefit for every American retiree. More than half of all Americans, especially working families, have no retirement savings beyond Social Security. Without the guaranteed income provided by Social Security, millions of seniors could fall through the cracks, left to live out their lives in poverty.

Recently, Governor Bush proposed a Social Security plan that would undermine Social Security, in my opinion, and simultaneously threaten our thriving economy. By diverting funds from the Social Security Trust Fund to set up individual retirement accounts, Bush's plan would hasten the insolvency of the Social Security Trust Fund and force seniors to question, rather than to count on, their Social Security benefits.

Now, Governor Bush has also proposed a tax cut that would cost an estimated $1.7 billion. When combined with the cost of his individual retirement accounts, Governor Bush's plan would spend more than 3 times the projected surplus over the next 10 years. That money would come directly out of the Social Security Trust Fund, weakening the program even further, and leaving little room in the budget for other priorities like the prescription drug benefit under Medicare and investment in education.

In my opinion, Mr. Speaker, no plan that would endanger the guarantees of Social Security or rob the trust fund and leave other priorities unfunded can possibly be taken seriously, and that is why I think it is important, Mr. Speaker, that Democrats fight this dangerously ill-conceived proposal every step of the way. Myself and other Members on our side of the aisle will be here frequently over the next few weeks and the next few months speaking out against Governor Bush's proposal.

Mr. Speaker, I wanted to discuss some of the major problems that I see associated with replacing part of Social Security with individual accounts the way that Governor Bush has proposed, and I would like to just get into a little more detail about some of these problems this evening.

First, I would point out that individual accounts would mean massive cuts in Social Security benefits. Using a portion of the payroll tax to fund individual accounts would divert vitally important financial resources away from Social Security and would make Social Security's financial shortfall much worse. We know that we are eventually going to have a shortfall in Social Security and we have to find some way of shoring up the fund to make sure that the money is available. Well, what the Bush individual accounts plan does is to basically make the financing shortfall even worse.

For instance, redirecting 2 percentage points of the current payroll tax

into individual accounts without other program changes would more than double Social Security's currently projected long-range deficit of 1.89 percent of taxable payroll. To make up for this lost payroll tax revenue, individual account plans would also have to impose dramatic cuts in Social Security benefits. One such plan introduced in the 105th Congress would have reduced Social Security benefits by one-third for an average wage worker retiring in 2025. I want to repeat that. It would reduce Social Security benefits by one-third for an average wage worker retiring in 2025. This is why I say that Bush's plan is so radical, because rather than having a guaranteed level of money that would come to you, a guaranteed income that would come to you, you could likely see a one-third cut in that income that you are expecting.

Now, some claim that Governor Bush could avoid cutting Social Security benefits by relying on anticipated budget surpluses to finance individual accounts. We know that there is going to be a significant and ever-growing surplus, assuming the economy continues to be good. But the problem is that Governor Bush has already made commitments during his campaign for President that would preclude the use of budget surpluses for that purpose.

First, he has offered a variety of tax proposals that, all told, would cost roughly $1.7 trillion from the years 2002 through 2010; $800 billion in excess of projected nonSocial Security surpluses over the same period. So the money is simply not there from the surplus to shore up Social Security or to pay for these individual accounts because he has already said that he wants to use it for these tax cuts, primarily for wealthy individuals and corporations.

Also, Governor Bush has pledged to protect future Social Security surpluses by placing them in a lockbox, thus neither surpluses from Social Security nor outside of the program would be available to finance individual accounts if Governor Bush intends to keep his other campaign promises.

Mr. Speaker, it just does not add up. On the one hand, Governor Bush proposes taking a percentage of the trust fund and using it for individual savings accounts; there is no money to pay for that, and it would actually force us to have less benefits for recipients in the future. On the other hand, he cannot use the surplus to make up for that because he already has this huge tax plan that would use up most of the surplus.

Now, the next problem I would like to discuss, Mr. Speaker, is that individual accounts would force Americans to bear greater risk. Social Security protects against a host of risks: the risk of death or disability, the risk of low lifetime earnings, the risk of unexpectedly long life, the risk of inflation. Now, individual accounts would undermine these protections and would add the uncertainty of market risk to the program. Advocates of individual accounts argue that since fluctuations in the stock market average out over time, that individual investment risk is negligible. Well, I do not think that is true at all. I think it is highly risky and a lot of people do not realize what the risk is.

Averages, essentially, are misleading. For every person whose investments perform above average, there is another person counting on Social Security whose investments perform below average with the stock market. Averages also ignore timing and the millions of Americans who might retire during a downturn in the stock market. Now, just to give some examples, and I use an example from the Congressional Budget Office. There were 15 years in the past century, 1908 through 1912; 1937 through 1939; 1965 through 1966; 1968 through 1973, in which the real value of the stock market fell by more than 40 percent over the preceding decade. Moreover, if we look at the AARP's Center for Retirement Research, they point out that between January 1973 and September of 1976, the stock market declined by 43 percent and did not return to its 1972 high for almost 10 years. And then, just as another source of data on this problem, the General Accounting Office observes that over the past 70 years or so, stock returns were negative in nearly one out of 4 years. So anyone who tells us that this is not a risky venture, that this investment does not pose potential problems for the money that one invests in these individual accounts, is simply not looking at the historical record.

Another major problem I would like to mention this evening, Mr. Speaker, is that individual accounts would be expensive to administer. The governor does not say how he is administering or where the money is coming from to pay for administering these individual accounts. When he announced his Social Security principles, Governor Bush failed to specify the structure or the institutions he would create to oversee individual accounts. This should come as no surprise, since the administration of such accounts would impose new and substantial burdens on employers, workers, and to the Federal Government. Even administrative charges that appear small at the outset add up over time. An annual fee of 1 percent of assets under management over the course of a 40-year career would absorb 20 percent of the worker's individual account. So once again, this all sounds very nice in theory, but in practice, the reality is that the money just is not there.

Mr. Speaker, another problem I would like to point out tonight is that individual accounts would cripple efforts to eliminate the national debt. This is such an important reason why Governor Bush's proposal should not be adopted, because we are now paying down the national debt for the first time in anyone's memory, and this is a significant factor in keeping the economy going and letting the economy grow. In the absence of benefit cuts, diverting a portion of the Social Security payroll tax into individual accounts would lead to significantly smaller Social Security surpluses and to the rapid depletion of the Social Security Trust Fund.

According to the Center on Budget and Policy Priorities, if the current payroll tax were reduced by 2 percentage points to fund individual accounts, which is what Governor Bush has proposed, and if the current payroll tax were reduced by 2 percentage points in that way, the assets in the Social Security Trust Funds would be exhausted in 2023, well before the currently expected date of 2037. Moreover, Social Security benefit payments would begin to exceed payroll tax revenue by 2005, a decade earlier than what is now projected. So again, the money is not there. If we start taking the money away from these individual accounts, Social Security is going to become insolvent a lot sooner.

Mr. Speaker, this has direct implications on the ability to pay down the national debt. Reduced Social Security surpluses and an earlier date of trust fund exhaustion necessarily implies less debt reduction. The Federal Government has been able to begin retiring decades of debt only because of large Social Security surpluses and fiscal discipline in the rest of the budget. Less debt reduction necessarily implies higher interest costs and using payroll taxes to fund individual accounts would mean that billions of dollars would be used for interest payments on the debt, rather than for critical investments in our Nation's future.

Now, the President, President Clinton has suggested a plan that would dedicate all projected Social Security surpluses to debt reduction. The President's plan would not only extend Social Security solvency until 2054, but it would also eliminate the debt held by the public by 2013. The combination of Governor Bush's tax proposal and his Social Security principles would make it impossible to eliminate the publicly-held debt that quickly.

When I talk to my constituents, they all tell me the same thing. They want to make sure that Social Security is there for them when they retire. Well, if we implement Governor Bush's plan, it will not be there because the insolvency will occur even earlier, and, worse than that, we do not pay down the national debt, which I think is a major factor in our ability to keep the economy going and to continue growth in our economy.

Mr. Speaker, I would like to point this evening to an analysis that was done by the Social Security Network. The Social Security Network is a project of the Century Foundation. Basically, they did an analysis recently that evaluates the diversion of 2 percentage points of the current Social Security payroll tax into individual accounts. Now, Governor Bush has not

specified how large his proposed individual accounts would be, but the Bush campaign has used examples involving the 2 percentage points, and that is why I use that 2 percentage points, and that is why the Social Security network used the 2 percentage points in its analysis. But this analysis, and I should also say, before I get into this analysis a little more, that the calculations it uses, if anything, underestimate the cuts in Social Security benefits likely to occur under a Bush-like individual account plan.

But what this analysis by the Social Security network suggests is the following: first, if Social Security benefits were cut equally for all workers age 55 or younger in 2002, benefits would have to be cut by 41 percent to maintain the solvency of Social Security over the next 75 years.

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So here again, their analysis shows we are going to have an even greater problem maintaining the solvency of social security.

To avoid a sharp reduction in retirement income for older workers that would result from this, benefit cuts could be phased in. Because less would be saved in early years, reductions for younger workers would have to be larger to ensure that social security remains solvent over the next 75 years.

For example, under one plausible phase-in approach, social security benefits would have to be reduced by 29 percent for those 50 years old in 2002, and by 54 percent for those 30 years old or younger. So what we are saying is if we do not do this all at once but we phase it in, then the consequence on younger workers is even greater in terms of the amount of benefits they are going to have when they retire.

Not only would the average benefits be cut relative to current law under the Bush proposal, but workers would also have to shoulder substantially increased risk under individual accounts. In other words, benefits might be smaller or larger than under current law.

Here again, the Social Security Network gives us some examples. If holders of individual accounts suffer from market returns as low as the worst 35-year period since World War II, the total benefit reduction, including the individual account income, for 30-year-old single average earners would be 38 percent rather than 28 percent. So depending on the market fluctuations, and if we use the period before World War II as an example, we could have as much as a 38 percent reduction in the benefits that we get.

Then the Social Security Network has another example. If, on the other hand, individual account holders enjoy market returns as good as the best of the 35 years since World War II, so now we are going in the opposite direction, instead of using the worst years prior to World War II we are using the best years after World War II, including now, the income for 30-year-old single average earners would be about the same as under current law.

So what are we gaining? What this is essentially saying in this analysis is if we use the best years since World War II, you would not gain anything. If we use the worst years prior to World War II, we could have as much as a 38 percent reduction. There is no benefit.

The problem is that everyone, that Governor Bush is relying on people's assumptions about the economy in the last 5 or 10 years, when things have been the best they have ever been. There is no guarantee that is going to continue over the life of the program before somebody who is younger retires, which could be 35, 40 years.

The conclusion is that Governor Bush's proposal could cut social security benefits by more than 50 percent for young workers, and the proceeds from the individual account would on average make up only a portion of that cut while exposing individuals to significant risk. This is from, as I said, the Social Security Network's analysis.

Mr. Speaker, I did not intend to take up a lot of time tonight because I intend to come back and keep talking about this on other occasions, but I just wanted to say in conclusion, Mr. Speaker, that the bottom line is that Governor Bush's social security proposal simply does not add up. Most of the surplus for tax cuts plus most of the surplus for a risky social security plan equals too much of the Federal budget. We cannot take the money from this tax plan and at the same time have a huge tax cut and end up with anything but less benefits for the average social security recipient.

If we take these two things together, his social security plan and the tax cut, we swallow up the surpluses whole for the next 10 years, and we use a significant portion of the social security surplus as well, so both the general revenue and the social security surplus would be used up.

Devoting all the surplus to these two plans, the Governor's social security plan and the tax cut plan, means leaving nothing at all for the rest of the budget. The combination would leave no room for other vital priorities like the Medicare prescription drug benefit or more funding for new teachers and modern classrooms.

In addition to the fact that it does not add up for the recipient, who would probably end up with cuts in their benefits, it also means that money is not going to be available to expand Medicare, which I think, Mr. Speaker, we know that many of our constituents, most of our constituents, are saying that they would like Medicare to be expanded to include prescription drugs.

There is no way we could do that if we adopted Bush's social security plan as well as his tax cut, because there would not be any money left over to do that, to help seniors with a program under Medicare that would pay for their prescription drugs.

Of course, that does not even take into account other priorities that affect the general population, like the need for more money for education to go back to local schools so they can have smaller class sizes by hiring more teachers, or the need to pay for school construction and give money to the local schools so they can renovate school buildings and upgrade the infrastructure for the Internet, and those types of things.

Nothing would be left. This would just take up everything, and for no reason, for no actual benefit to the average senior citizen.

I just think that the Governor's proposal for social security is extremely radical. It does not add up. I just hope that over the next few months that we are able to expose this so the American people realize this, because it should not be enacted, and it certainly should not be the basis for any policy program by Governor Bush or anyone else.

RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock and 57 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–657) on the resolution (H. Res. 518) providing for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX ELIMINATION ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–658) on the resolution (H. Res. 519) providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, 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. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for June 6 before 4:00 p.m. on account of official business.

Mr. ENGLISH (at the request of Mr. ARMEY) for today until 3:00 p.m. on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BACA, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. OSE) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today and June 8.

Mr. BURTON of Indiana, for 5 minutes, June 14.

Mrs. JOHNSON of Connecticut, for 5 minutes, June 8.

(The following Members (at their own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2311. An act 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 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; to the Committee on Commerce.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 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:

8032. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—2000 Amendments to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports [CN–00–002] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8033. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas and Treatment Dosage [Docket No. 99–078–2] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8034. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas [Docket No. 00–007–1] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8035. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Utilization of Indian Organizations and Indian-Owned Economic Enterprises [DFARS Case 99–D300] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8036. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General David J. Kelley, United States Army; to the Committee on Armed Services.

8037. A letter from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—The State Vocational Rehabilitation Services Program (RIN: 1820–AB14) received May 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8038. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 00–7013; Notice 1] (RIN: 2127–AG70) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8039. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Iranian Transactions Regulations: Licensing of Imports of, and Dealings in, Certain Iranian-Origin Foodstuffs and Carpets—received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8040. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department of Labor's Inspector General covering the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8041. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the Fiscal Year 1999 Annual Report, pursuant to D.C. Law 12—152; to the Committee on Government Reform.

8042. A letter from the Associate General Counsel, Department of Treasury, transmitting the Department's final rule—Disclosure of Records: Freedom of Information Act (RIN: 1505–AA76) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8043. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1999, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

8044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Andrews-Murphy, NC [Airspace Docket No. 00–ASO–4] received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Secretary of Transportation, transmitting the Reports on Traffic Flow and Safety Applications of Road Barriers; to the Committee on Transportation and Infrastructure.

8046. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Supplemental Infomation on Revenue Procedure 2000–12 for Prospective Qualified Intermediaries [Announcement 2000–48] received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reorganizations; Nonqualified Preferred Stock: Plain Language Summary—received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8048. A letter from the Chief Executive Officer, Corporation For National Service, transmitting the annual reports for 1999; jointly to the Committees on Education and the Workforce 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 Florida: Committee on Appropriations. Reports on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–656). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 518. Resolution providing for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–657). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 519. Resolution providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period (Rept. 106–658). Referred to the House Calendar.

DISCHARE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on International Relations, Banking and Financial Services, the Judiciary and Armed Services discharged. H.R. 984 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3125. A bill to prohibit Internet gambling, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than June 23, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. (Rept. 106–655, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1656. Referral to the Committees on Commerce and Education and the Workforce extended for a period ending not later than June 9, 2000.

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. CAMP:

H.R. 4592. A bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Commerce.

By Mrs. CLAYTON:

H.R. 4593. A bill to amend title VII of the Cvil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991, to require the Equal Employment Opportunity Commission to mediate employee claims arising under such Acts; and for other purposes; to the Committee on Education and the Workforce.

By Ms. DEGETTE (for herself, Mr. NETHERCUTT, Mr. LAFALCE, and Mr. WELDON of Pennsylvania):

H.R. 4594. A bill to amend the Public Health Service Act with respect to reducing the burden of diabetes among children and youth; to the Committee on Commerce.

By Mr. ISAKSON:

H.R. 4595. A bill to suspend temporarily the duty on nelfilcon polymer; to the Committee on Ways and Means.

By Ms. MCKINNEY (for herself, Mr. SANDERS, Mr. KUCINICH, Mr. JACKSON of Illinois, Mr. WYNN, Ms. CARSON, Mrs. MEEK of Florida, Mr. STARK, Mr. EVANS, Mrs. MINK of Hawaii, Mr. OWENS, Mr. DEFAZIO, Mr. FILNER, Mr. PAYNE, and Mr. NADLER):

H.R. 4596. A bill to require nationals of the United States that employ more than 20 persons in a foreign country to implement a Corporate Code of Conduct with respect to the employment of those persons, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Government Reform, and Banking and Financial Services, 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 Ms. NORTON:

H.R. 4597. A bill to amend the Fair Labor Standards Act of 1938 to protect employees who seek equal wages under that Act; to the Committee on Education and the Workforce.

By Mr. SHAW (for himself, Mrs. THURMAN, Mr. FOLEY, Mr. TANNER, Mr. CAMP, Mr. RAMSTAD, Mr. MCCRERY, and Mr. LEWIS of Kentucky):

H.R. 4598. A bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CONYERS, Ms. CARSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. WYNN, Ms. LEE, Ms. MCKINNEY, Mr. TOWNS, Mr. JEFFERSON, Mr. JACKSON of Illinois, Mr. LAMPSON, Mrs. MINK of Hawaii, Mr. ROTHman, Ms. BALDWIN, Mr. CLYBURN, Mr. GILMAN, Mr. DINGELL, Ms. BERKLEY, and Mr. BONIOR):

H. Con. Res. 347. Concurrent resolution expressing the sense of the Congress regarding the need to pass legislation to increase penalties on perpetrators of hate crimes; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. PORTER, Mr. LANTOS, Mr. PAYNE, Mr. LAHOOD, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. GILLMOR, Mrs. LOWEY, Mr. MCGOVERN, Ms. NORTON, Mr. CAPUANO, Ms. LOFGREN, Mr. WAXMAN, Mr. BERMAN, Mr. SANDERS, Mr. CROWLEY, Mr. MCDERMOTT, Mr. ENGEL, Mr. STARK, Mr. OWENS, Ms. SLAUGHTER, Mr. ALLEN, Mr. KENNEDY of Rhode Island, Ms. MCKINNEY, Mrs. MORELLA, Mr. MOAKLEY, Ms. RIVERS, Mrs. MEEK of Florida, Ms. PELOSI, Ms. LEE, and Mr. GONZALEZ):

H. Con. Res. 348. Concurrent resolution expressing condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights; to the Committee on International Relations.

By Mr. MOORE (for himself, Ms. MCCARTHY of Missouri, and Mr. MORAN of Kansas):

H. Res. 517. A resolution expressing the sense of the House of Representatives with respect to the Bloch Cancer Foundation; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

336. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 1 memorializing the United States Congress to provide funds sufficient to relieve Utahns of the devastating economic impact of the state's cricket and grasshopper infestion; to the Committee on Agriculture.

337. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 5 memorializing the Congress of the United States that any Federal Legislation designating wilderness in the west desert region of Utah at a minimum provides certain protections; to the Committee on Resources.

338. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 memorializing the Director of the Idaho Office of the Bureau of Land Management, the Senate and the House of Representatives of the United States in Congress Assembled, and to the Congressional Delegation of the State of Idaho to eliminate the grazing limit permits with a reduction of the grazing season by two and one-half months; to the Committee on Resources.

339. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 17 memorializing the Congress that February 21 is designated as ''Stand Up for Steel'' day; to the Committee on Ways and Means.

340. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 memorializing the Senate and the House of Representatives to request the United States Forest Service not move forward with the final rule based on the October 5, 1999, proposal; jointly to the Committees on Resources and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GRAHAM introduced a bill (H.R. 4599) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Tokeena;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. LEACH, Mr. SAWYER, and Mr. BENTSEN.

H.R. 116: Mr. HOLT, Mr. BAIRD, Mr. EHRLICH, Mr. BACA, Mr. KLINK, Mr. OWENS, Mr. DOYLE, Ms. JACKSON-LEE of Texas, and Mr. LOBIONDO.

H.R. 125: Mr. BORSKI.

H.R. 141: Mr. LOBIONDO and Mr. NEAL of Massachusetts.

H.R. 218: Mr. ETHERIDGE.

H.R. 229: Ms. PELOSI.

H.R. 230: Ms. RIVERS.

H.R. 303: Mr. PASCRELL and Mr. HAYES.

H.R. 488: Ms. BERKLEY.

H.R. 534: Mr. LUTHER, Mr. LOBIONDO, Mr. GRAHAM, Mr. CHAMBLISS, and Mr. INSLEE.

H.R. 654: Mr. DEMINT.

H.R. 792: Mr. BOEHNER.

H.R. 828: Mr. KANJORSKI.

H.R. 954: Mr. PAYNE.

H.R. 1178: Mr. SHADEGG and Mrs. CHENOWETH-HAGE.

H.R. 1217: Ms. DEGETTE, Ms. BROWN of Florida, and Mr. NORWOOD.

H.R. 1248: Mr. HALL of Texas.

H.R. 1285: Mr. PASTOR.

H.R. 1322: Mr. MCINNIS, Mr. BACA, and Mr. DICKS.

H.R. 1371: Mr. CAPUANO.

H.R. 1396: Ms. MCCARTHY of Missouri, Mr. ROTHMAN, Ms. BERKLEY, and Mr. HOEFFEL.

H.R. 1485: Mr. WATT of North Carolina.

H.R. 1531: Mr. STUPAK.

H.R. 1798: Mr. TAUZIN and Mr. HILLIARD.

H.R. 1914: Mr. HERGER.

H.R. 1976: Mr. NADLER.

H.R. 1994: Ms. CARSON.

H.R. 2298: Ms. MILLENDER-MCDONALD.

H.R. 2321: Mr. WYNN.

H.R. 2355: Mr. MINGE.

H.R. 2382: Mr. BLILEY.

H.R. 2402: Mr. CALVERT.

H.R. 2543: Mr. SHAYS and Mr. ADERHOLT.

H.R. 2562: Mr. PRICE of North Carolina.

H.R. 2597: Mr. BARTLETT of Maryland.

H.R. 2720: Mr. PETERSON of Minnesota, Mr. WYNN, Mr. LARSON, Mr. BRYANT, and Mr. MINGE.

H.R. 2802: Mr. WYNN.

H.R. 2892: Mr. GREEN of Texas.

H.R. 2909: Mr. BOEHLERT.

H.R. 2969: Mr. FILNER.

H.R. 3032: Mr. NADLER.

H.R. 3065: Mr. CHABOT.

H.R. 3082: Mr. NUSSLE.

H.R. 3125: Mrs. FOWLER and Mr. GILCHREST.

H.R. 3193: Mr. SWEENEY and Mr. FORBES.

H.R. 3508: Mr. UDALL of Colorado.

H.R. 3514: Mr. DICKS.
H.R. 3571: Mrs. MEEK of Florida.
H.R. 3573: Mr. REYES.
H.R. 3593: Mr. DOOLEY of California.
H.R. 3634: Mr. BOUCHER.
H.R. 3667: Mr. SYNDER.
H.R. 3766: Mr. MALONEY of Connecticut, Mr. EDWARDS, and Mr. LOBIONDO.
H.R. 3809: Mr. GILCHREST.
H.R. 3825: Ms. JACKSON-LEE of Texas.
H.R. 3842: Mr. BOYD, Mr. ANDREWS, Mr. NORWOOD, Mr. BOEHLERT, Mr. COYNE, Mr. DELAHUNT, Mr. HILL of Indiana, Mr. POMEROY, Mr. NUSSLE, and Mr. SESSIONS.
H.R. 3861: Mr. OLVER.
H.R. 3874: Mrs. CHRISTENSEN, Mr. WAXMAN, Mr. ALLEN, and Mr. BERRY.
H.R. 3875: Mr. DEFAZIO and Mr. RODRIGUEZ.
H.R. 4001: Mr. ENGEL, Ms. MCKINNEY, Mr. HINCHEY, Mr. OWENS, Mr. FROST, and Mr. DINGELL.
H.R. 4012: Mr. KLINK and Mr. SANDERS.
H.R. 4013: Mr. GEORGE MILLER of California, Mr. PALLONE, and Mr. RAMSTAD.
H.R. 4046: Mr. PORTER, Ms. LEE, Mr. MORAN of Virginia, Mr. EVANS, Mr. HINCHEY, and Mr. MCGOVERN.
H.R. 4066: Mr. RUSH, Ms. KIKPATRICK, Mr. OLVER, and Mr. LANTOS.
H.R. 4132: Mr. SCHAFFER, Mr. UNDERWOOD, Mrs. CHRISTENSEN, and Mr. GIBBONS.
H.R. 4167: Mr. UPTON, Mr. RANGEL, Mr. FOLEY, Mr. BAIRD, Mr. LANTOS, and Mr. FILNER.
H.R. 4170: Mr. DREIER and Mr. LARGENT.
H.R. 4172: Mr. DAVIS of Illinois, Mr. BERMAN, Mrs. CHRISTENSEN, Mr. OWENS, Mr. WYNN, Mr. BLAGOJEVICH, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, and Mr. PASTOR.
H.R. 4178: Mr. RANGEL.
H.R. 4183: Mr. MOORE.
H.R. 4184: Mr. DOYLE and Mr. MCCOLLUM.
H.R. 4207: Mr. NETHERCUTT and Mr. STUPAK.
H.R. 4210: Ms. BERKLEY and Mr. LARSON.
H.R. 4239: Mr. WEINER.
H.R. 4282: Mr. GARY MILLER of California.
H.R. 4289: Ms. KAPTUR, Mr. BARRETT of Wisconsin, Ms. MCCARTHY of Missouri, Mrs. MEEK of Florida, Mr. CONYERS, Mr. SPRATT, Mr. SCOTT, Mrs. CHRISTENSEN, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. FORD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. ABERCROMBIE, Mr. DICKS, and Ms. LEE.
H.R. 4302: Mr. MALONEY of Connecticut.
H.R. 4313: Mr. FILNER, Mrs. MEEK of Florida, Mr. BLUNT, and Mr. JENKINS.
H.R. 4320: Ms. LEE.
H.R. 4328: Mr. ISAKSON and Mrs. MEEK of Florida.
H.R. 4334: Mr. MASCARA.
H.R. 4374: Mr. REYES.
H.R. 4384: Mr. BARTLETT of Maryland, Mr. MOAKLEY, Mr. WYNN, Mr. BERMAN, Mr. NEAL of Massachusetts, Mr. DIXON, Mr. RAHALL, Mr. LEACH, Mr. GUTKNECHT, Mrs. CAPPS, and Mr. SKELTON.
H.R. 4406: Mr. FROST and Mr. NADLER.
H.R. 4429: Mr. BAIRD.
H.R. 4465: Mrs. MYRICK.
H.R. 4466: Mrs. MYRICK and Mr. GOODE.
H.R. 4467: Mr. MCINNIS and Mr. MINGE.
H.R. 4488: Mrs. MALONEY of New York and Mr. WYNN.
H.R. 4492: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4529: Ms. NORTON.
H.R. 4531: Mr. ROYCE.
H.R. 4547: Mr. SENSENBRENNER.
H.R. 4557: Mr. HINCHEY.
H.R. 4560: Mr. GREEN OF WISCONSIN.
H.R. 4566: Mr. LARSON and Mr. PASCRELL.
H.R. 4567: Mr. MCGOVERN and Mrs. CAYTON.
H.R. 4569: Mr. HOYER.
H. Con. Res. 266: Mr. HOEKSTRA.
H. Con. Res. 286: Mr. HOEFFEL.
H. Con. Res. 297: Mr. SCHAFFER, Mr. HORN, Mr. LANTOS, Mr. PICKERING, Mr. TIAHRT, Mr. FROST, Mr. DINGELL, Mrs. JOHNSON of Connecticut, and Ms. KAPTUR.
H. Con. Res. 308: Ms. PELOSI and Mr. WEXLER.
H. Con. Res. 321: Mr. SMITH of Texas, Mr. THORNBERRY, Mr. MCINTYRE, Mr. DAVIS of Illinois, Mr. RAMSTAD, Ms. DEGETTE, Mr. BOSWELL, Mr. SCHAFFER, Mr. FRELINGHUYSEN, Mr. BACA, Mr. DEMINT, Mr. BARTON of Texas, Mrs. MALONEY of New York, Mr. HANSEN, Mr. BAKER, and Mrs. LOWEY.
H. Con. Res. 327: Mr. MCGOVERN, Mr. CALLAHAN, Mr. SAXTON, Mr. GREEN of Texas, Mr. SUNUNU, Mr. MEEHAN, Mr. LIPINSKI, Mr. KLECZKA, Mr. BUYER, Mr. FROST, and Mr. WHITFIELD.
H. Con. Res. 341: Mr. LEACH.
H. Res. 205: Mr. NEY.
H. Res. 414: Mr. NADLER, Mr. HILLIARD, and Mr. UDALL of Colorado.
H. Res. 415: Mr. GILCHREST, Ms. ESHOO, Mrs. CHRISTENSEN, and Mrs. CAPPS.
H. Res. 458: Mr. BARRETT of Wisconsin, Mr. KING, Mr. PRICE of North Carolina, Mr. WOLF, Mr. GEJDENSON, and Mr. GREEN of Wisconsin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. ALLEN

AMENDMENT NO. 24: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

H.R. 4577

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 4: Page 49, after line 12, insert the following new section:

SEC. 214. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT'', and increasing the amount made available for ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'' (to be used for a block grant to the Inner City Cardiac Satellite Demonstration Project operated by the State of New Jersey, including creation of a heart clinic in southern New Jersey), by $40,000,000.

H.R. 4577

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title), the following new section:

SEC. 518. None of the funds in this Act may be used to make payments to a Medicare+Choice organization offering a Medicare+Choice plan with respect to which the Secretary finds the organization to be out of compliance with requirements of part C of title XVIII of the Social Security Act pursuant to an audit conducted under section 1857(d) of such Act (42 U.S.C. 1395w–27(d)).

H.R. 4577

OFFERED BY: MR. BASS

AMENDMENT NO. 6: Page 2, line 13, after the dollar amount, insert the following: ''(reduced by $42,000,000)''.

Page 2, line 14, after the dollar amount, insert the following: ''(reduced by $42,000,000)''.

Page 20, line 11, after the first dollar amount, insert the following: ''(reduced by $134,000,000)''.

Page 22, line 7, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 24, line 7, after the first dollar amount, insert the following: ''(reduced by $130,000,000)''.

Page 31, line 23, after the dollar amount, insert the following: ''(reduced by $75,000,000)''.

Page 51, line 21, after each dollar amount, insert the following: ''(reduced by $78,000,000)''.

Page 52, line 12, after each dollar amount, insert the following: ''(reduced by $480,000,000)''.

Page 52, line 18, after the dollar amount, insert the following: ''(reduced by $450,000,000)''.

Page 53, line 5, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

Page 53, line 17, after the first dollar amount, insert the following: ''(increased by $1,011,000,000)''.

Page 53, line 17, after the second dollar amount, insert the following: ''(increased by $1,001,000,000)''.

Page 53, line 20, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 55, line 2, after the dollar amount, insert the following: ''(reduced by $3,000,000)''.

Page 55, line 10, after the first dollar amount, insert the following: ''(reduced by $22,000,000)''.

Page 55, line 11, after the dollar amount, insert the following: ''(reduced by $22,000,000)''.

Page 58, line 3, after the dollar amount, insert the following: ''(reduced by $7,000,000)''.

H.R. 4577

OFFERED BY: MR. BASS

AMENDMENT NO. 7: Page 53, line 17, after each dollar amount, insert the following: ''(increased by $200,000,000)''.

Page 57, line 14, after the first dollar amount, insert the following: ''(reduced by $200,000,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 8: Page 2, line 13, after the dollar amount, insert the following: ''(increased by $1,026,078,000)''.

Page 2, line 14, after the dollar amount, insert the following: ''(increased by $572,578,000)''.

Page 2, line 16, after the dollar amount, insert the following: ''(increased by $453,500,000)''.

Page 2, line 18, after the dollar amount, insert the following: ''(increased by $253,500,000)''.

Page 2, line 19, after the dollar amount, insert the following: ''(increased by $200,000,000)''.

Page 3, line 4, insert before the period the following:

: *Provided further,* That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers

Page 4, line 16, after the first dollar amount, insert the following: ''(increased by $154,000,000)''.

Page 4, line 16, after the second dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 5, line 9, after the dollar amount, insert the following: ''(increased by $154,000,000)''.

Page 5, line 10, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 16, beginning on line 21, strike ''up to $7,241,000 for the President's Committee on Employment of People With Disabilities, and including''.

Page 16, line 24, after the dollar amount, insert the following: ''(increased by $14,361,000)''.

Page 18, line 14, after the first dollar amount, insert the following: ''(increased by $5,364,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 9: Page 16, line 24, after the dollar amount, insert the following: ''(increased by $97,000,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 10: Page 20, line 11, after the first dollar amount, insert the following: ''(increased by $244,000,000)''.

Page 33, line 19, after the dollar amount, insert the following: ''(increased by $36,000,000)''.

Page 34, strike the proviso beginning on line 16.

Page 40, line 25, after the dollar amount, insert the following: ''(increased by $175,000,000), of which not less than $125,000,000 shall be for an expanded focus on respite and other assistance for families of vulnerable elderly, as authorized by section 341 of the Older Americans Act of 1965''.

Page 72, line 21, after the dollar amount, insert the following: ''(increased by $156,000,000)''.

Page 73, line 19, after the dollar amount, insert the following: ''(increased by $156,000,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 11: Page 31, after line 23, insert the following:

In addition, $600,000,000 for such purposes: *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: *Provided further,* That such 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, is transmitted by the President to the Congress.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 12: Page 37, line 19, after the dollar amount, insert the following: ''(increased by $417,328,000)''.

Page 39, line 10, after the dollar amount, insert the following: ''(increased by $600,000,000)''.

Page 39, line 17, after the dollar amount, insert the following: ''(increased by $600,000,000)''.

Page 49, line 20, after the dollar amount, insert the following: ''(increased by $400,000,000)''.

Page 50, line 11, after the dollar amount, insert the following: ''(increased by $416,000,000)''.

Page 50, line 12, after the dollar amount, insert the following: ''(increased by $416,000,000)''.

Page 50, line 17, after the dollar amount, insert the following: ''(increased by $416,000,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 13: Page 49, strike lines 1 through 12 (section 213).

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 14: Page 49, line 20, after the dollar amount, insert the following: ''(increased by $65,000,000)''.

Page 49, line 21, after the dollar amount, insert the following: ''(increased by $65,000,000)''.

Page 52, line 7, after ''titles'' insert ''II,''.

Page 52, line 12, after each of the two dollar amounts, insert the following: ''(increased by $960,000,000)''.

Page 52, strike the proviso beginning on line 17 and insert the following: '': *Provided,* That of the amount appropriated, $960,000,000 shall be for title II of the Elementary and Secondary Education Act of 1965, notwithstanding any other provision of law, for State formula grants and other competitive grants subject to such terms and conditions as the Secretary of Education shall establish to improve the knowledge and skills of such individuals as early childhood educators, teachers, principals, and superintendents, and for teacher recruitment and retention activities: *Provided further,* That of the amount appropriated, $2,115,750,000 shall be for title VI of the Elementary and Secondary Education Act of 1965, of which $1,750,000,000 shall be available, notwithstanding any other provision of law, to reduce class size, particularly in the early grades, using fully qualified teachers to improve educational achievement for regular and special needs children in accordance with section 310 of Public Law 106–113''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 15: Page 53, after line 14, insert the following:

SCHOOL RENOVATION

For grants and loans to carry out school renovation under title XII of the Elementary and Secondary Education Act of 1965, $1,300,000,000, which shall become available on July 1, 2001 and shall remain available until expended, of which (1) $50,000,000 shall be for grants to local educational agencies (as defined in section 8013(9) of such Act) in which the number of children determined under section 8003(a)(1)(C) of such Act constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year; (2) $125,000,000 shall be for grants to local educational agencies (other than those eligible under paragraph (1)); and (3) $1,125,000,000 shall be for the costs of direct loans to local educational agencies: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $7,000,000,000: *Provided further,* That notwithstanding any provision of titles XII and XIV of the Elementary and Secondary Education Act of 1965, the Secretary of Education shall make these grants and loans subject to such terms and conditions as the Secretary shall establish.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 16: Page 53, line 17, after each of the two dollar amounts, insert the following: ''(increased by $1,510,315,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 17: Page 56, line 13, after the dollar amount, insert the following: ''(increased by $938,000,000)''.

Page 56, line 16, after the dollar amount, insert the following: ''(increased by $300)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. It is the sense of the House of Representatives that tax reductions for taxpayers in the top 1 percent of income levels should not be enacted until the Congress enacts a universal voluntary prescription drug benefit for all Americans under Medicare.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 19: Page 2, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 20: Page 16, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 21: Page 20, line 11, after the first dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 22: Page 25, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 23: Page 31, line 23, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 24: Page 37, line 19, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 25: Page 49, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 26: Page 49, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 27: Page 50, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 28: Page 50, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 29: Page 51, line 21, after the dollar amount, insert the following ''(increased by $1,000)''.

Page 51, line 26, after the dollar amount, insert the following: ''(increased by $1,000)'',

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 30: Page 51, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 51, line 26, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 31: Page 52, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 52, strike the proviso beginning on line 17.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: Page 52, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 52, strike the priviso beginning on line 17.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 33: Page 53, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 34: Page 53, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 35: Page 56, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 36: Page 56, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 37: Page 2, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 2, line 14, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 38: Page 2, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 2, line 16, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 2, line 18, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 39: Page 2, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 2, line 16, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 2, line 19, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 40: Page 2, line 13, after the dollar amount insert the following: ''(increased by $1,000)''.

Page 2, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 41: Page 2, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 2, line 23, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 42: Page 2, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 2, line 25, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 43: Page 3, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 44: Page 4, line 9, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 45: Page 4, line 16, after the first dollar amount, insert the following: ''(increased by $1,000)''.

Page 5, line 9, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 46: Page 4, line 16, after the second dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 47: Page 6, line 23, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 48: Page 7, line 5, after the first dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 49: Page 7, line 15, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 50: Page 8, line 2, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 51: Page 8, line 15, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 52: Page 10, line 4, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 53: Page 11, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 54: Page 12, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 55: Page 15, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 56: Page 16, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 57: Page 16, lines 21 and 22 insert ''the''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 58: Page 18, line 6, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 59: Page 18, line 14, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 60: Page 18, line 20, after the first dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 61: Page 20, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 62: Page 20, line 11, after the first dollar amount, insert the following: ''(increased by $1,000)''.

Page 20, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 63: Page 20, line 11, after the first dollar amount, insert the following: ''(increased by $1,000)''.

Page 21, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 64: Page 20, line 11, after the first dollar amount, insert the following: ''(increased by $1,000)''.

Page 21, line 23, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 65: Page 20, line 11, after the first dollar amount, insert the following: ''(increased by $1,000)''.

Page 22, line 2, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 66: Page 22, line 7, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 22, line 7, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 67: Page 23, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 68: Page 23, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 69: Page 24, line 7, after the first dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 70: Page 25, line 18, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 71: Page 25, line 23, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 72: Page 26, line 5, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 73: Page 26, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 74: Page 26, line 15, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 75: Page 26, line 19, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 76: Page 26, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 77: Page 27, line 4, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 78: Page 27, line 9, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 79: Page 27, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 80: Page 27, line 18, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 81: Page 27, line 23, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 82: Page 28, line 4, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 83: Page 28, line 9, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 84: Page 28, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 85: Page 28, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 86: Page 28, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 87: Page 28, line 25, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 88: Page 29, line 7, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 89: Page 29, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 90: Page 29, line 22, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 91: Page 29, line 26, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 92: Page 31, line 5, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 93: Page 32, line 5, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 94: Page 33, line 19, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 95: Page 34, strike the proviso beginning on line 16.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 96: Page 35, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 97: Page 36, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 98: Page 36, line 16, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 99: Page 37, line 6, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 100: Page 37, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 101: Page 38, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 38, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 102: Page 39, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 103: Page 39, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 39, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 104: Page 39, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 39, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 105: Page 40, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 106: Page 40, line 16, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 107: Page 40, line 25, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 108: Page 41, line 19, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 109: Page 42, line 1, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 110: Page 42, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 111: Page 42, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 112: Page 43, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 113: Page 43, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 114: Page 49, line 5, before the colon, insert the following: '', plus an additional $1,000''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 115: Page 49, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 116: Page 50, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 117: Page 50, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 118: Page 52, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 52, strike the proviso beginning on line 17.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 119: Page 53, after line 14, insert the following:

''RENOVATION

''For grants and loans to carry out school renovation under title XII of the Elementary and Secondary Education Act of 1965, $1,000.''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 120: Page 53, line 17, after each dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 121: Page 72, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 122: Page 73, line 19, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 123: Page 49, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 124: Page 49, line 20, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 49, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 125: Page 50, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 126: Page 50, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 22, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 127: Page 50, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 50, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 51, line 2, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 128: Page 51, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 129: Page 51, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 51, line 22, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 130: Page 51, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 51, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 131: Page 51, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 52, line 1, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 132: Page 51, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 52, line 2, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 133: Page 52, line 22, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 134: Page 53, line 5, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 135: Page 53, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 136: Page 53, line 17, after each dollar amount, insert the following: ''(increased by $1,000)''.

Page 53, line 23, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 137: Page 54, line 5, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 138: Page 54, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 139: Page 54, line 17, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 140: Page 55, line 2, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 141: Page 55, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 55, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 142: Page 55, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 55, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 55, line 18, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 143: Page 55, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 55, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 55, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 144: Page 55, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 55, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 145: Page 55, line 10, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 55, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

Page 61, line 8, after the dollar amount, insert the following: ''(reduced by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 146: Page 57, line 8, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 147: Page 57, line 14, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 148: Page 58, line 3, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 149: Page 58, line 11, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 150: Page 58, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 151: Page 59, line 10, after the first dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 152: Page 59, line 10, after each dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 153: Page 59, line 10, after the first dollar amount, insert the following: ''(increased by $1,000)''.

Page 60, line 6, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 154: Page 60, line 25, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 155: Page 61, line 4, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 156: Page 61, line 8, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 157: Page 63, strike lines 20 through page 64, line 6 (section 305).

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 158: Page 64, line 15, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 159: Page 65, line 10, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 160: Page 65, line 22, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 161: Page 66, line 16, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 162: Page 67, line 14, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 163: Page 67, line 19, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 164: Page 67, line 23, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 165: Page 68, line 9, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 166: Page 68, line 14, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 167: Page 68, line 20, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 168: Page 69, line 15, after the dollar amount, insert the following: ''(increased by $1,000)'';

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 169: Page 69, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 170: Page 70, line 1, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 171: Page 70, line 16, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 172: Page 70, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 173: Page 71, line 7, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 174: Page 71, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 175: Page 72, line 3, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 176: Page 72, line 12, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 177: Page 72, line 21, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 178: Page 73, line 13, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 179: Page 73, line 19, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 180: Page 75, line 24, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 181: Page 76, line 16, after the dollar amount, insert the following: ''(increased by $1,000)''.

H.R. 4577

OFFERED BY: MR. OXLEY

AMENDMENT No. 182: Page 65, line 22, strike ''$365,000,000'' and insert ''$361,350,000''.

H.R. 4577

OFFERED BY: MR. OXLEY

AMENDMENT No. 183: Page 65, line 22, after ''$365,000,000'' insert '', of which $10,000,000 shall be for costs associated with the transition of public television broadcasting to provide digital broadcasting services''.

H.R. 4577

OFFERED BY: MR. OXLEY

AMENDMENT No. 184: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 5___. None of the funds made available in this Act may be used to provide any salary, wages, pay, bonus, or other monetary compensation to or on behalf of any officer or employee of the Corporation for Public Broadcasting, the Public Broadcasting Service, or National Public Radio, in an amount such that the aggregate amount of such salary, wages, pay, bonuses, and other monetary compensation for any year to or on behalf of the officer or employee would exceed the amount of the annual rate of pay in effect for that year with respect to Members of the House of Representatives under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(a)).

H.R. 4577

OFFERED BY: MR. ROEMER

AMENDMENT NO. 185: Page 52, line 12, after the first dollar amount, insert the following: ''(increased by $25,000,000)''.

Page 52, line 19, strike the period and insert the following: '': *Provided further,* That of the amount appropriated for programs under this heading, $25,000,000 shall be made available for teacher transition programs described under section 306.''

Page 59, line 10, after the first dollar amount, insert the following: ''(decreased by $25,000,000)''.

Page 64, after line 6, insert the following new section:

SEC. 306. (a) PURPOSE OF TEACHER TRANSITION.—The purpose of this section is to address the need of high-need local educational agencies for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those agencies, following the model of the successful teachers placement program known as the 'Troops-to-Teachers program', by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary is authorized to use funds appropriated under paragraph (2) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $9,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPLICATION.—Each applicant that desires an award under subsection (b)(1) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus its recruitment efforts in carrying out its program under this section, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this section;

(2) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(3) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, support, and provide teacher induction programs to program participants under this section, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(4) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(5) such other information and assurances as the Secretary may require.

(d) USES OF FUNDS AND PERIOD OF SERVICE.—

(1) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

(A) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(B) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(C) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(D) placement activities, including identifying high-need local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(E) post-placement induction or support activities for program participants.

(2) PERIOD OF SERVICE.—A program participant in a program under this section who completes his or her training shall serve in a high-need local educational agency for at least 3 years.

(3) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under paragraph (1)(B), but fail to complete their service obligation under paragraph (2), repay all or a portion of such stipend or other incentive.

(e) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall make awards under this section that support programs in different geographic regions of the Nation.

(f) DEFINITIONS.—As used in this section:

(1) The term 'high-need local educational agency' has the meaning given such term in section 2061.

(2) The term 'program participants' means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $25,000,000 for fiscal year 2001.

H.R. 4577

OFFERED BY: MR. RYAN

AMENDMENT NO. 186: Page 64, after line 6, insert the following:

SEC. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading ''DEPARTMENT OF EDUCATION–EDUCATION REFORM'' for the 21st Century Community Learning Centers, and by increasing the amount made available under the heading ''DEPARTMENT OF EDUCATION—SPECIAL EDUCATION'' for grants to States, by $300,000,000.

H.R. 4577

OFFERED BY: MR. SANDERS

AMENDMENT NO. 187: Page 36, line 12, after the dollar amount, insert the following: ''(increased by $300,000,000)''.

H.R. 4577

OFFERED BY: MR. SANDERS

AMENDMENT NO. 188: Page 56, line 13, after the dollar amount, insert the following: ''(increased by $40,000,000)''.

Page 60, line 25, after the dollar amount, insert the following: ''(reduced by $40,000,000)''.

H.R. 4577

OFFERED BY: MR. STEARNS

AMENDMENT NO. 189: Page 49, after line 12, insert the following section:

SEC. 214. Amounts made available in this title for carrying out the activities of the National Institutes of Health are available for a report under section 403 of the Public Health Service for the following purposes:

(1) To identify the amounts expended under section 402(g) of such Act to enhance the competitiveness of entities that are seeking funds from such Institutes to conduct biomedical or behavioral research.

(2) To identify the entities for which such amounts have been expended, including a separate statement regarding expenditures under section 402(g)(2) of such Act for individuals who have not previously served as principal researchers of projects supported by such Institutes.

(3) To identify the extent to which such entities and individuals receive funds under programs through which such Institutes support projects of biomedical or behavioral research, and to provide the underlying reasons for such funding decisions.

H.R. 4577

OFFERED BY: MR. STEARNS

AMENDMENT NO. 190: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds made available in this Act may be used to provide funds to a local educational agency or school that denies a request for access for military recruiting purposes made under section 503(c) of title 10, United States Code.

H.R. 4577

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 191: Page 84, after line 21, insert the following new section:

SEC. 518. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available for ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'' , by reducing the aggregate amount made available for ''EDUCATION FOR THE DISADVANTAGED'', by reducing the amount made available under the penultimate proviso (relating to section 1002(g)(2) of the Elementary and Secondary Education Act of 1965) under the heading ''EDUCATION FOR THE DISADVANTAGED'', by reducing the amount made available under title III for ''DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION'', and by increasing the aggregate amount made available for ''SPECIAL EDUCATION'', which increase shall be available for carrying out part B of the Individuals with Disabilities Education Act, by $5,000,000, $20,000,000, $20,000,000, $5,000,000, and $30,000,000, respectively.

H.R. 4577

OFFERED BY: MR. VITTER

AMENDMENT NO. 192: Page 50, line 11, insert after the dollar amount the following: ''(decreased by $116,000,000)''.

Page 51, line 21, insert after the first dollar amount the following: ''(decreased by $78,548,000)''.

Page 52, line 12, insert after the first dollar amount the following: ''(decreased by $158,450,000)''.

Page 53, line 5, insert after the dollar amount the following: ''(decreased by $30,765,000)''.

Page 53, line 17, insert after the first dollar amount the following: ''(increased by $1,419,597,000)''.

Page 54, line 13, insert after the dollar amount the following: ''(decreased by $900,000)''.

Page 54, line 17, insert after the dollar amount the following: ''(decreased by $5,849,000)''.

Page 55, line 2, insert after the dollar amount the following: ''(decreased by $3,420,000)''.

Page 55, line 10, insert after the first dollar amount the following: ''(decreased by $36,850,000)''.

Page 56, line 13, insert after the dollar amount the following: ''(decreased by $823,283,000)''.

Page 57, line 14, insert after the first dollar amount the following: ''(decreased by $158,502,000)''.

Page 58, line 3, insert after the dollar amount the following: ''(decreased by $7,030,000)''.

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Senate

(Legislative day of Tuesday, June 6, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You are never reluctant to bless us with exactly what we need for each day's challenges and opportunities. Sometimes we are stingy receivers who find it difficult to open our tight-fisted grip on circumstances and receive the blessings that You have prepared. You know our needs before we ask You but wait to bless us until we ask for Your help. We come to You now honestly to confess our needs. Lord, we need Your inspiration for our thinking, Your love for our emotions, Your guidance for our wills, and Your strength for our bodies. We have learned that true peace and lasting serenity result from knowing that You have an abundant supply of resources to help us meet any situation, difficult person, or disturbing complexity. And so we may say with the psalmist, ''Blessed be the Lord, who daily loads us with benefits.—Psalm 68:19. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia is recognized.

SCHEDULE

Mr. WARNER. Mr. President, today the Senate will resume consideration of the Department of Defense authorization bill. Under the order, there will be a total of 90 minutes on the Kerrey amendment regarding strategic forces, and the Warner second-degree amendment. Following that debate, there will be up to 2 hours of debate on the Johnson and Warner amendments regarding CHAMPUS and TRICARE. After the use or yielding back of that time, there will be up to four votes on the pending amendments. Therefore, Senators can expect votes to begin not later than 1 p.m.

Those Senators who intend to offer amendments are encouraged to work with the bill managers in an effort to complete this important legislation prior to the end of this week. Further votes can be anticipated during today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate equally divided on the Kerrey and Warner amendments.

Pending:

Warner modified amendment No. 3173, to extend eligibility for medical care under CHAMPUS and TRICARE to persons over age 64.

Kerrey amendment No. 3183, to repeal a limitation on retirement or dismantlement of strategic nuclear delivery systems in excess of military requirements.

Warner amendment No. 3184 (to amendment No. 3183), to provide for correction of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems, and authority to waive limitation.

Mr. WARNER. Yesterday, Mr. President, we made progress on this bill—not quite as much as I had hoped, but nevertheless progress was made. I wish to draw to the attention of my colleagues that late last night the ranking member and I put forth an amendment to this bill regarding the D-Day memorial. As the last act, it seemed to the distinguished Senator from Michigan and myself that it was most appropriate that the 56th anniversary of D-Day be concluded with an amendment which provides the opportunity for, first, the Senate, and hopefully the entire Congress, to participate in the raising of the needed dollars for the World War II memorial. Over 1,000 World War II veterans are dying each day. Organizers are within $6 million of reaching that sum of money needed to complete the construction and design phases of this memorial.

I am pleased to say this amendment passed last night. I thank my distinguished colleague, Mr. LEVIN, for joining me. All the World War II veterans currently serving in the Senate were added as cosponsors. I served very briefly at the end of World War II. And the others, seven in number, were added as cosponsors together with our distinguished colleague, Senator KERREY—although not a World War II veteran, a veteran of Vietnam with greatest distinction. So I am pleased to

make that announcement. Some Senators may have missed it last night.

I note Senator KERREY's presence in the Chamber. We thank the Senator for cosponsoring the amendment last night by which the Senate goes on record endorsing a contribution of $6 million, I might add, out of nonappropriated funds. We were able to get the funding from that account.

Mr. LEVIN. Mr. President, I join my good friend from Virginia in commenting on that action last night, how appropriate it is for the heroes and heroines who served us so well in World War II, both in war and on the home front. As my dear friend from Virginia mentioned last night, there were an awful lot of heroes and heroines—obviously, veterans first and foremost, but a lot of folks here at home. And this memorial is to them. We have now nine World War II veterans remaining, I believe, in the Senate; is that correct?

Mr. WARNER. We have the number here. I will get it.

Mr. LEVIN. Every one of those were cosponsors, each one with extraordinary stories to tell. I was just delighted to be a small part of that, even though I am not a vet, just in some way to speak for the nonvets in this body about the contributions which have been made by those who served us.

Mr. WARNER. Mr. President, I want to make it very clear that this Senator, the Senator from Virginia, although his service at the end of World War II was brief, a little less than 2 years, does not put himself in the hero class with those in this body who, indeed, very humbly and rightfully earned that hero distinction. I may have served in Korea in the second engagement of our country in war but not at this particular time. Basically, the Navy educated me, for which I am grateful. The GI bill helped me, as it did all of those us who served at the time. That was probably the greatest investment the United States ever made in a bill.

Mr. LEVIN. The Senator from Virginia and I properly tipped our hats to Bob Dole last night.

Mr. WARNER. We did. I talked to him last night after we departed the Chamber. Guess what. He sat and watched us and critiqued us very carefully. We are proud of Bob Dole.

Mr. KERREY. Mr. President, if I could make a comment on that subject, very much a part of this effort to try to find a compromise on this memorial, in the beginning I opposed the design and they redesigned it. I am very pleased now to be able to support both the design and construction.

One of the things, I say to my friend from Virginia, that happened during this process was that there was a deletion made from this design that I think at some point needs to be corrected—not on this site because its too small a site to accommodate it—and that is the construction of a museum that tells the full story. And I think it has relevance, in fact, to the debate on this bill because when George Marshall accepted Roosevelt's appointment to be Chief of Staff of the Army on September 1, 1939, the Armed Forces of the United States of America were approximately 137,000 people. Marshall had to build the Army to 8 million people in order for it to be an effective fighting force, and it wasn't just the military people who responded. There was a huge civilian effort that supported that buildup. It is a story of how dangerous it is, even though you may not see an enemy on the horizon at the moment, how dangerous it is to stack arms for the United States of America.

We had a resolution a couple of years ago, I think, on this bill to try to allocate the resources and do the study to build. There were a number of terrific places in the Senator's State right across the river that were cited. I believe this will be a wonderful memorial, but the missing piece is to tell the full story of what happened from Versailles all the way through the Second World War. There was basically an interruption for 20 years while America tried to withdraw one more time from the world. We paid a terrible price for it. I appreciate very much the Senator's willingness to allocate the money for this.

Mr. WARNER. If I can advise my distinguished colleague, the subject of a military museum embracing the chronological history of the participation of men and women of our Nation in causes of freedom beyond our shores is very much in the minds of the members of the Armed Services Committee. At the moment, I and other Senators are promoting a museum colocated with Arlington Cemetery on the ridge that overlooks where the current headquarters of the Marine Corps is located. That is due for demolition. That site seems to me and others to lend itself to the convenience of tourists visiting this Nation's Capital. It would embrace the military history of all branches of our services. We are a modest size in comparison to others, but the Senator is right.

I noticed with interest yesterday in Great Britain the Queen opened an extraordinary exposition and permanent museum devoted to the Holocaust, again, a reminder of chapters of the tragedy that unfolded on the European Continent as a consequence of Hitler and the Axis powers.

Mr. KERREY. I know that site fairly well. I think it would be a terrific site for history of the Armed Forces, but I also believe oftentimes the most important decisions aren't the decisions the military is making but that the civilians made prior to the military having to act, at least as I see the history.

In the Second World War, there were an awful lot of mistakes made in the 1920s and the 1930s that created the necessity for that terrible war. It is a very important reminder, especially today. It is something I am asked all the time when debating authorization for the military.

People say: Do we need it? Who is the enemy? We are spending more than 20 leading nations, et cetera, et cetera.

People say: Why do we need to continue to do this? The cold war is over, and so forth.

The best answer lies in that 20-year period between 1919 and 1939 during which the United States of America tried, in the face of all evidence to the contrary, to stack arms and withdraw and become isolationist.

We have talked long enough on that subject. I appreciate very much the Senator responding to former Senator Dole's request. This is the minimum that the people of the United States of America ought to do to participate in constructing this important memorial.

Mr. WARNER. One footnote to this colloquy. Yesterday Senator Dole, who is chairman of the National World War II Memorial Campaign, received a check for $14.5 million from Wal-Mart stores. The contribution was presented by a group of World War II veterans and Wal-Mart associates during a special ceremony yesterday. That, together with the action by this Chamber which I hope will become law, are the final building blocks needed in that fundraising campaign.

Mr. KERREY. The junior Senator from Virginia and I actually sponsored legislation earlier. We have been trying to support what it is you are trying to do with this Armed Forces memorial that will tell the story of the Armed Forces of the United States of America.

Mr. WARNER. Senator ROBB is very active in that.

I yield the floor.

AMENDMENT NO. 3183

Mr. KERREY. Mr. President, the amendment before the Senate now presents to Members of the Senate a series of questions that we have to answer.

The first is, Should the Congress, under any circumstances, impose a limitation on the Commander in Chief? As it says, the Commander in Chief can't go below a certain level of strategic nuclear weapons. We imposed this for the first time in 1998. One of the strongest arguments made in 1998 and 1999 was that we needed that in order to put pressure on the Duma to ratify START II. They have now ratified START II. I think it is unwise to impose a limitation. Whether the President is a Democrat, whether the President is a Republican, I think it limits that President's ability to be able to negotiate. As a consequence, it puts the President in a weaker position when he is talking, whether to Russia or other nations—it puts that President in a weaker position and gives him less maneuverability to be able to protect the people of the United States. If we don't like the action a President takes, the Congress can intervene to act. That is question No. 1.

Do you think, under any circumstances that you can describe, we ought to pass a law that says a President cannot go below a certain level? In this case, the START I level is not only 6,000 warheads, but as the Senator from Arizona indicated earlier, we describe in the law the precise platform delivery systems for the warheads.

Mr. WARNER. The Senator posed a question. I will take responsibility to answer the question as we go along, and we can frame for colleagues where the differences are between yourself and my amendment, and then the distinguished Presiding Officer will take the second question.

Mr. KERREY. I am pleased to do that.

The first question is, Did the Congress do the right thing in 1998 and 1999, and would we be doing the right thing today or in the future to have a statute that imposes upon a President a floor, a limitation, under which that President cannot go as a consequence of our deciding that should only occur as we described in this law?

We did it in 1998 and again in 1999 and we are proposing to do it again this year.

Mr. WARNER. The answer to that question is very simple. It was first done in 1996. We repeated it in 1997, 1998, and 1999. In 2000, we made it permanent. That is the provision which the Senator from Nebraska is trying to strike.

In response to that, Congress took action and the President of the United States signed it into law one time, two times, three times, four times, five times. That should answer the question posed by the Senator from Nebraska.

The President concurred in the judgment of the Congress which said that you should not drop below those levels. What the amendment from the Senator from Virginia says is it doesn't, in my judgment, restrict the President's constitutional right to negotiate, but it says, Mr. President, you should not unilaterally, as Commander in Chief, reduce our Armed Forces in terms of those strategic levels until you do two things which have been followed by previous Presidents, and, indeed, this President when he first came to office. You make a QDR study.

For those that do not understand it, it is an entire study of the world threat situation, our force levels, force levels which are conventional, force levels which are strategic, and you do a comprehensive review of the nuclear posture.

Those two things having been done, then you can proceed to exercise your judgment as Commander in Chief to reduce certain force levels.

There it is. The President signed it five times, clearly. He could have vetoed it. He did not. He signed it into law five times. It remains the law of the land today. I will vigorously oppose the efforts of my colleague and good friend from Nebraska to repeal that law because that law very clearly says you must take prudent actions. My amendment sets out what those prudent actions are. Then my amendment gives the President the right, after taking those actions of the QDR and the posture review of the nuclear forces, to waive the statute that has been signed five times by the President of the United States.

Mr. KERREY. Mr. President, first, Congress should be making a decision based upon what we think is right. We oftentimes pass defense authorization bills that have things the President doesn't like. My guess is that the Senator from Virginia has urged the President on many occasions: I understand, Mr. President, you don't like this particular provision, but I urge you to sign it anyway. There are many other good things in the bill. Mr. President, we hope you will sign it because we can't get it any better.

That happens all the time here.

So the fact that the President signed it does not mean the President concurs. Nor should it cause a Senator to say, just because the President signed it, that doesn't mean it is a good act. We disagree with the President all the time around here. We will get behind him when we like what he is doing, and we will get out in front of him when we do not like what he is doing. That is the appropriate way, I suspect, it ought to be done. Members of the Senate should be deciding: Do we think it is a wise thing? Do we want to restrict future President Bush or future President GORE? It is not accidental that was imposed in 1996. It has not been imposed on previous Presidents. It has been imposed only on this particular President. So whether the President signs the bill or not, in my view, is secondary to the question: Do you think it is a sound policy?

In a post-cold-war era where we have had three Presidential elections in Russia—and understand, the bulk of our strategic weapons system is for Russia. That is the bulk of our system. What would the Senator say, 75 percent or 80 percent of the SIOP is dealing with the democratic nation of Russia with whom we have relations, with whom we are trying to work to help to be successful in their democratic experiment and their experiment with free markets? The question is, Does it restrict the President and make it less likely he can begin to think in a new way—which, in my judgment, needs to occur?

So, regardless, whether the President signs it or not, my guess is the President does not support this provision. But even if he said, ''I support it,'' I would still oppose it. I still think it is unreasonable for Congress to do. So that is question No. 1 that you have to decide. Whether the President signs it or not is secondary. My guess is a lot of folks on that side of the aisle think the President signs a lot of things they wish he would not sign, things they voted against. So it is not, to me, a very compelling argument to say we have to do this because the President signed five previous bills that had this provision in them.

Mr. WARNER. I simply say to my good friend, I strongly disagree. This President signed this five times. We saw an example where the distinguished Senator from West Virginia and I had the Byrd-Warner amendment regarding the deployment of our troops and taking certain steps by the Congress. What happened? Not only this President but the candidates for President, both Vice President GORE and George W. Bush, communicated in various ways they believed that amendment was an encroachment on Presidential power, and we missed that by a mere three votes, is my recollection, because of that very issue. It was an abridgement of Presidential power. Nothing is fought on this Chamber floor with greater vigor than protecting the powers of the President of the United States.

Mr. KERREY. Mr. President, first of all, is our time being charged to the two of us? Is that how this is being worked?

Mr. WARNER. It seems to me that is a fair allocation in the course of a colloquy.

The PRESIDING OFFICER (Mr. ALLARD). When the Senator from Nebraska speaks, that is charged against his time. When the Senator from Virginia speaks, it is allocated against his time.

Mr. KERREY. I do not think it is going to be persuasive to the Senator from Virginia, but this is the statement of policy on the Senate defense authorization bill:

> The administration appreciates the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats, while maintaining a survivable, effective START I-capable force. However, we prefer repealing the general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery systems below specified levels. . . .

And on and on and on.

So the President has signed it, but the President does not support this policy. Again, I do not suppose that is going to be persuasive to my colleague, but he used an argument against repealing this provision that said the President supports it, or he signed the bill which implies that he supports the provision.

I personally believe the Congress should be making the decision. The Senator's argument, with great passion, that he does not like infringing upon the prerogatives of the President—I have heard him many times down here arguing, oftentimes against Members of his own party, against efforts to do that. So I am surprised, in fact, especially now that the Russian Duma has ratified START II, that we

want to continue this policy. I think it is not good. So that is question No. 1. You have heard very eloquent argument on the other side. Question No. 1 is: Does Congress want to do that under any circumstances with or without a review?

The second question we are now going to be asked, as a consequence of the second-degree amendment, is: Do we want to delay action? Do we want to restrict the action in accordance with the second-degree amendment which basically says we have to have a nuclear force structure review and that review is submitted concurrently with the quadrennial review which is expected December of 2001?

I believe it is time for the people's representatives, elected by the people, to be having a debate about what kind of force structure we want to maintain. And it is counterproductive, it is difficult for us to reach the right decision, if we once again farm it off and say we want somebody else to figure it out. It is the civilians who send instructions to the CINC at STRATCOM. It is PDD–60 that determines what the Single Integrated Operating Plan, the SIOP, is. The targets are selected as a consequence of civilian instructions, not the other way around. It is we who have to decide, Do we have enough? Do we have too much? Or is it right? It is we who have to bring commonsense analysis to the debate and answer the question: Given the current status, given what we expect out in the future, do we have enough?

We have the statements of General Shalikashvili in 1995, as he evaluated this, that seem to indicate that lower levels are safe. But even there, General Shalikashvili is following civilian instructions.

I understand this amendment provides people an opportunity to sort of vote for this thing and we are going to have a normal review. It may in fact carry the day. It is a very complicated argument, and it may in fact be that the second-degree amendment passes. I hope not, because it is time for this Congress to take back the responsibility for targeting and answer the question: Do we have enough, do we have too little, or do we have the numbers quite right?

I urge Members to look at what we now have in the public realm, data that indicates what that targeting is. We have an analysis, public analysis now, of what happens when we have 2,500 strategic warheads after we subtract that fraction that may not be available to us for a variety of reasons. Understanding we are not shooting bullets here, these are very complicated systems, and you cannot, with 100-percent reliability, predict that they are going to arrive on target in the manner that has been described. So they are very complicated systems. It requires modernization; it requires constant analysis. The men and women at STRATCOM and others who have that responsibility are highly skilled, and they work on that problem all the time.

This is why I think the review is not a good idea. It pushes away from us one more time the problem of just considering what these nuclear weapons can do instead of asking ourselves, with a commonsense analysis—because, again, the targeting begins with civilian instructions. It is the Presidential directive that determines what the targeting is. We have modified the targeting, certainly, to accommodate some of the changes that have occurred as a result of the end of the cold war. But I believe if you look at these things and say, oh, my gosh, what will those do, you will reach a commonsense conclusion that we have more than is necessary in order to keep the people of the United States of America safe.

That is the mission of this defense authorization bill, whether we are debating the pay for our military, whether we are debating our force structure, or readiness, whatever it is. We ought to authorize and we ought to appropriate such funds as necessary to keep the people of the United States of America and our interests and our allies safe. That is what our mission is.

But, again, on the question of the need for review, what is needed is for Congress to review it, for Congress to answer the question. We have, under what is called the minimal deterrent level, the 2,500 warheads: We have 500 100- to 300-kiloton weapons that will land on war-supporting installations in Russia, 160 on leadership, 500 on conventional forces, 1,100 on nuclear targets.

I urge, rather than doing a review, what we need to do is bring out a map of Russia and take a look and answer the question, What do 2,260 nuclear detonations of a minimum of 100 kilotons do to Russia? Remember, the war in the Pacific ended in 1945 as a consequence of two 15-kiloton detonations. I stipulated earlier my uncle died in the Philippines and my father was a part of the occupation force rather than invasion. I have a vested interest in declaring that I think Truman did the right thing. But those were two 15-kiloton detonations. We are talking about 2,260 detonations in excess of 100 kilotons. We do not need a review by professionals. The people's representatives need to do an analysis of this, and I urge my colleagues to do that kind of analysis. Imagine those kinds of detonations and ask yourself, Do we have enough?

Connected with that, do an analysis yourself, both of the command and control capability of Russia and of their ability to do warnings, because if they have mistakes made at either command and control or warning—and their capacity to do early warning not only is declining but it is declining enough so the President, in one of the few successes he had, in addition to getting an agreement to eliminate weapons-grade plutonium, got an agreement to do a joint warning center in Moscow because the analysis says their capacity to do accurate warning is declining. What does that mean? It means if they get a false alarm, they are going to launch because their instructions are to launch on warning.

So what we are doing is, as a consequence of maintaining higher levels pending more reviews, et cetera, et cetera, we are forcing the Russians to maintain a level higher than they are able to maintain, putting us at risk. It increases the risk today. That is how the end of the cold war has changed things. Russia cannot maintain 6,000 strategic weapons. They have been begging us for years. Indeed, one of the things I said yesterday, one of the paradoxes of this whole debate, is I am not sure this administration would take action.

(Mr. WARNER assumed the chair.)

Mr. ALLARD. Will the Senator from Nebraska yield for just a moment? I would like to be able to answer his question.

Mr. KERREY. I am pleased to.

Mr. ALLARD. The Chairman made a good point. We need to run a comparison. The question the Senator asked is, Do we need to delay actions? The answer is, No, we don't want to unnecessarily delay action. But I think we need to have a responsible decision-making process set up. These are very complex issues.

There are a lot of issues involved. Hearing the Senator's comments sounds to me as if he would agree with what the committee has tried to do. They said: Look, these are complicated issues. We need to have a careful review. In fact, the Strategic Subcommittee, which I chair, has set up a process where we have two studies to review our nuclear posture of where we are and move into negotiations.

For the committee to be informed means we have to hear from the professionals who deal with these issues. They need to bring the information to the committee.

We represent the people of the United States in the Congress and the Armed Services Committee tries to represent those interests. We have to set up a process to do exactly what the Senator from Nebraska is talking about.

A lot has changed since the last posture review in 1994, and what was relevant in 1994 is not necessarily relevant today. We have new leadership, by the way, since that review. In Russia, we have new leadership. We have new leadership around the world. We have leadership that has changed even in this country. We need to reevaluate in the context of this new political environment. We need to reevaluate in the context of new technology, new positions as far as the nuclear posture is concerned.

This amendment is critical to protecting our country and stabilizing the world. We need to get the current crop of experts, military and civilian—it is proper to bring in the civilian role—to formulate recommendations given today's dynamic changes.

It seems to me the Senator from Nebraska would agree with what the committee is trying to do. We agree perhaps times have changed. As the chairman pointed out earlier, the law expressly prohibited the President. Now we are saying, with a careful Nuclear Posture Review, maybe we can move ahead and review some of these issues.

(Mr. L. CHAFEE assumed the chair.)

Mr. KERREY. I appreciate that response. I made it clear in questions yesterday posed to the Senator from Virginia and the Senator from Colorado having to do with the issue of whether or not this action could be taken prior to December of 1991, whether or not an accelerated comprehensive review could occur if it was a President Bush or a President GORE. The answer was yes, leading me to say in that situation maybe I would support the amendment because if they can do an accelerated review, so can President Clinton.

The answer then came back: No, we do not want President Clinton to do an accelerated view. We are willing to let President GORE or President Bush do it but not President Clinton. That is precisely why it is a bad provision because I believe it is there because of distrust of a single President. It is not wise, in my judgment, for the Congress to impose that kind of restriction because it does send a signal to our allies not to negotiate.

It makes it much more difficult for the President to negotiate not only arms control agreements but to take action as President Bush did in 1991 facing a problem of how do we leapfrog the arms control process.

I heard my colleagues on the other side say the old arms control process needs to be torn up. That is not inconsistent with this kind of thinking. That is exactly what Governor Bush said in his press club speech surrounded by Henry Kissinger, George Shultz, Brent Scowcroft, and Colin Powell. If those four men were part of that new administration and they came out and said we need a review in November, December, and January and we think we can go to lower levels and we want to go immediately, we can get Russia to agree to a robust missile defense, my guess is every single Member of the other side would go along with it immediately, understanding these men are qualified and they understand what is necessary to protect the United States of America.

They do not need another review, and they certainly do not need Congress imposing a limitation on where they can go. This is a limitation that has been imposed on a single President. If it becomes policy for Congress to do it, I believe it is going to be very difficult for us to take advantage of this new post-cold-war opportunity, as the other side has done repeatedly. There are times when the President submits a budget for defense and they say it is not enough. They do not say we need a review of this for another 3 or 4 months or a long period of time. They say we have done a review; we are not ready so we have to put more money in the budget, we have to put more weapons systems in the budget that were not in the President's request.

We do not have any difficulty confronting the President. We do not ask for reviews when the President is not asking us to do something we want. This is, in my judgment, a provision that was put in here as a consequence of not trusting a particular President, and it is a mistake. It is going to hamstring the next President, whoever that President is. This amendment attempts to soften it a bit, but it still leaves it in place. Senator KYL, I understand, was speaking for how they now interpret the amendment, saying, no, the review has to be submitted concurrently with a quadrennial review whenever that occurs. Maybe it is not in December 2001. Maybe it is done in January 2002. What if you have a President Bush coming online with Secretary of Defense Colin Powell and George Shultz and Brent Scowcroft and Henry Kissinger as part of that administration, and they do a review in November and December and come to you and say: We decided we want to go to 5,000 in exchange for an agreement; is that sufficient?

Mr. ALLARD. Let me tell you what the committee was thinking, as chairman of the Strategic Subcommittee, when we looked at this and said we need to have a careful Nuclear Posture Review. The Senator is trying to imply there was a political motive with that. This committee, made up of Democrats and Republicans, said we need to have a careful Nuclear Posture Review and we need to look at the facts. We recognized that in 1994 we had a review. We need to go back.

Mr. KERREY. I am not implying a political motivation. I am rereading your answers to my questions yesterday. I saw reason I would support this amendment, and the reason I could have supported the amendment is, if you had said to me, yes, a thoughtful and thorough review can be done by civilians in less time than done by a quadrennial review that would allow President Bush or President GORE, and the answer was that would be acceptable. I then said: What if Clinton did the same thing? The answer was no. I am reading back and remembering what the exchange was yesterday.

Mr. ALLARD. In considering this issue, we need to have a careful Nuclear Posture Review. It is not going to happen quickly. What the Senator from Nebraska wants to see happen in public policy where we would carefully evaluate where we are in comparison with the rest of the world is not going to happen in 3 or 4 months. It is going to take time. We have to have input from civilian experts. We have to have input from military experts. From a practical standpoint, it is probably not going to be an opportunity on which this President can act. Whether it is a Democrat or Republican President, whoever is in office next, I think the same policy is going to have to apply because the ultimate goal is to have a careful posture review and make sure we do not unilaterally disarm this country, that we do not make it more vulnerable than it is today.

I yield my time to the chairman of the committee.

Mr. WARNER. I will be happy to listen.

Mr. KERREY. Go ahead.

Mr. WARNER. I simply reiterate what my colleague, who is the chairman of the subcommittee, has said. This amendment, which I drew up carefully, is drawn in such a way that it does not preclude President Clinton from negotiating and, indeed, preclude him from exercising his authority as Commander in Chief to direct the Chairman of the Joint Chiefs and others in the Pentagon: This is a level to which you will drive nuclear weapons. He can do it.

We are saying it should only be done after a quadrennial review, after a nuclear posture study has been completed. From a practical standpoint, it simply, in my judgment, cannot be achieved. If it were forced to be done, it would be viewed not only by us but the Russians and all others who follow this as an imprudent, an unwise step by our President. That is it.

Mr. KERREY. May I ask the Senator a question?

Do you think that Congress made a mistake not having a similar provision in place so we could have prevented President Bush from taking his action in 1991?

Mr. WARNER. No. Fine. Let's review what President Bush did. In the final hours of the days of his Presidency, he did the START II. I understand that. But the point is, that was a process that evolved over many years. The work had been done. The studies had been done. All of it was in place ready for his signature.

I say to the Senator, that is not the case in this instance. The last posture review of importance was 1994. Why this administration sought not to bring those up to date, to bring up a current one——

Mr. KERREY. But I say to the Senator, the question directly is, Do you think Congress should have passed a similar restriction on President Bush so he could not have done what he did in 1991?

Mr. WARNER. I would say, if this situation today were of a parallel situation at the time of President Bush, I would have been the first to pass this same law. It was an entirely different factual situation, I say to the Senator. I hope those listening understand that. But you posed the question. If President Bush at that time was faced with the decision such as this to lower the numbers drastically, I would say it should not be done until the staff work and the careful work had been done by those entrusted, namely, the Chairman of the Joint Chiefs and the Joint Chiefs of Staff, to make the analysis before a President acts.

Mr. LEVIN. Will the Senator yield just for——

Mr. KERREY. I yield the floor to you.

Mr. LEVIN. I thank the Senator.

I must say, I am utterly amazed by the last answer of my good friend from Virginia. What the Senator from Virginia said is that President Bush carefully, after thorough deliberation and consideration, negotiated a START II treaty. That was done, to use my good friend's words: After the studies were done, after the work was done.

I am wondering if my friend from Nebraska would agree with what I am now going to say. The law that is on the books will not let us go down to the Bush START II level, which was so carefully negotiated.

Think about what our law is. We just heard—and I agree with the good Senator from Virginia—that President Bush carefully, thoughtfully, in the words of the Senator from Virginia, after the studies were done and the work was done, negotiated a START II treaty. I agree with that. The law on the books will not let us go to the level that President Bush negotiated. We have to stay at START I levels.

Mr. KERREY. I quite agree with that.

Mr. LEVIN. You cannot have it both ways. If President Bush thoughtfully—and he did—carefully—and he did—after work was done—and it was—negotiated a START II level—we have ratified START II—the Joint Chiefs want us to go to that level and have testified to that, that we are wasting money staying at the START I level—we have peacekeepers that we can't afford to maintain; it is wasteful—they say, please don't force us to keep to that level, but we have a law on the books which says we have to stay at the START I level of 6,000 warheads. We cannot go down to the START II level of 3,000 to 3,500 warheads because of the law on the books. You can't have this both ways.

To add insult to injury, now we are saying that the only way that can be waived, that limit, that START I requirement that we have on the books, is if there is another Nuclear Posture Review. We have had two very thoughtful, Nuclear Posture Reviews, one in 1994, one in 1997.

You will not let us implement it. This law will not let us implement the previous careful, thoughtful Nuclear Posture Reviews. I do not have any problem with another one, by the way. I do not have any problem with the bill the way it now reads.

The problem I have is with the Warner amendment, which says that we can't do what we negotiated in START II, even though it has been confirmed by two thoughtful posture statements, unless the President—the next President, not this one—first has another Nuclear Posture Review. That is the problem.

I think the amendment that has been offered by the Senator from Virginia is aimed very clearly at this President. I think it is a mistake in terms of its approach. It is being limited to hobble this President, to force him to maintain a force structure which was negotiated to a lower level by a previous President. I think that is a mistake in terms of precedent and in terms of what we should be doing in terms of a body. It should not be aimed at one President.

But in addition to that, I must say that we are maintaining a force structure which the Joint Chiefs say we do not need, a force structure which START II—which was negotiated by President Bush—says we do not need. So we are wasting a lot of money as well as engaging, I believe, in a partisan effort to hobble the President.

That is the sad news. That is one of the problems with the Warner amendment. But there is some good news—not in this amendment, but there is some good news that should give us a little bit of comfort.

It will not work. We can waste money. We are. We can maintain a dangerous level of force structure, for the reasons which the Senator from Nebraska gave, making us less secure, not more. We can do all that. But we cannot hobble the President, although I believe the intent of this amendment is to hobble this President. I believe that is the intent because it is only aimed at this President.

The next President—whether it is a Democratic or Republican President—we have been told last night, can go through this review in a matter of months, if they want to, and then waive this statute, but not this President. So I think it is aimed at this President. But this President has the constitutional right to negotiate a treaty, should he see fit. Thank God, the Constitution is there again to save us.

Because although this language will not allow a waiver by this President to get down to the level which President Bush negotiated, and which the Joint Chiefs of Staff say is all we need to keep us secure—half of the level which the current law forces us to maintain—even though that is what this language will force us to do, it cannot stop the President from carrying out his constitutional duty to his last day in office.

He can negotiate a treaty at a lower level. If he does so, we can reject it. The Senate has to ratify under the Constitution. But the President is nonetheless able to negotiate reductions below the START II level, as the Joint Chiefs have said he safely can.

In 1997, the Joint Chiefs said we can safely go down to 2,000, 2,500, which is about 1,000 below the START II level. They have already said that after a careful posture review. I hope the President succeeds in coming up with a treaty which allows us to deploy a limited national missile defense at a lower level of nuclear weapons. I hope he succeeds.

But I must say this amendment is not constructive. It is not something which I believe would be offered were a President of a different party in office. I do not believe that it would be offered. I think the answers last night give support to that conclusion.

It is a very sad conclusion on my part to reach that because I know my friend from Virginia is not ordinarily of that bent. We have worked together long enough so I know what his instincts usually are. But in this case, I am afraid it falls short of where we should be as a body, which should be supporting our right to ratify, supporting a force structure we need, but not maintaining a force structure we no longer need according to two careful posture reviews, for purposes which I believe are intended to restrict this President.

Before I yield the floor, I ask the Senator from Nebraska, is it not accurate that the START II level which was negotiated by President Bush was supported by a Nuclear Posture Review made by the Joint Chiefs of Staff?

Mr. KERREY. The Senator is correct. It is one reason additional review is not necessary. It is offered in good faith, but it is certainly not necessary to make this determination.

Mr. WARNER. Mr. President, if I might summarize, again, on five occasions President Clinton has signed into law actions by the Congress of the United States which state very clearly we should not go to these levels. There it is.

It is interesting, one of the reasons Congress took that action is we were not sure what the Duma would do on START II. We were right. They accepted START II, but with the following conditions on it: ABM treaty demarcation protocol, ABM treaty succession multilateralization protocol, START II extension protocol. Those protocols have not been sent to the Senate by the President. No one can refute that; they have not been sent here. They do not have his endorsement. That is why we should not undo hastily with this amendment this fabric of legislation which for 5 consecutive years has been passed by the Congress and signed by the President of the United States.

The Warner amendment does not preclude President Clinton from negotiating. It does not preclude our President from creating a QDR in the next few months, creating an updated nuclear posture. He could do it. But it would be imprudent and unwise to do it because it would run against the guidance provided by the Congress. No one should say this Congress, particularly the Senate, is not an equal partner on matters of seriousness of this nature, particularly as it relates to treaties. It is in the Constitution just as clearly as is the President's Commander in Chief role.

Mr. LEVIN. Mr. President, if I may have 1 additional minute, I will then yield the floor.

Mr. KERREY. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. On the point of the President signing five bills, when the President signs bills—these bills are 600 pages long—he makes it very clear he doesn't agree with every single provision in every bill he signs. As a matter of fact, if that were the test, I am sure we could get a statement right now from the President indicating his opposition to this provision. I would think the Senator from Virginia would still not drop this provision, even though the President of the United States would indicate opposition to it.

The Chairman of the Joint Chiefs, speaking for the administration, I am sure, in 1995, said:

> Our analysis shows that, even under the worst conditions, the START II force levels provide enough survivable forces and survivable, sustained command and control to accomplish our targeting objectives.

That is the Joint Chiefs speaking for the administration in 1995. The current law will not allow this administration to go down to the levels which General Shalikashvili and the current Joint Chiefs say are adequate. It is wasteful as well as attempting to hobble the President. But if the test is whether the President supports the language or not, I am sure we can get a quick letter from the President indicating his opposition to the Senator's amendment. I wonder whether the Senator would drop his amendment if the President indicated opposition in a letter?

Mr. WARNER. Unequivocally, no, I say to my good friend.

Mr. LEVIN. I thank my good friend.

Mr. WARNER. In quick summary, he cites what the Chairman of the Joint Chiefs said in 1995. Fine. But General Shelton and others were acting on the predicate, on the assumption, which was a fair assumption, that the Russian Duma would adopt START II as it was written and not put these conditions on it. Once they put these conditions on, it was a clear signal to all of us, we had better go back and reexamine what in effect is the desire of Russia on arms control. These are conditions which they know this Chamber, as presently constituted, would never accept.

I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that a statement of General Shelton be printed in the RECORD at this time, indicating that major costs would be incurred if we remain at START I levels, stating his opposition to the language which the Senator from Virginia would maintain in our law without the possibility of a waiver until next year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE SENATE COMMITTEE ON ARMED SERVICES, JANUARY 5, 1999

RATIONALE FOR STAYING AT START I FORCE LEVELS

Senator LEVIN. General Shelton, in your view, is there any military reason why we should freeze our strategic forces at the START I level until Russia ratifies START II?

What is the cost (a) in fiscal year 2000; and (b) through the FYDP; to maintain our forces at the START I level instead of a lower level that is required for military reasons?

General SHELTON. As a result, the force structure could undergo change. The Joint Chiefs and I are working with the Commander in Chief of our Strategic Command on a recommendation for the Secretary of Defense. There are a number of alternative force structures with fewer platforms that meet our national security needs and still provide 6,000 strategic warheads to maintain leverage on the Russians to ratify START II. The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options.

Major costs will be incurred if we remain at START I levels. Since our START II baseline calls for Peacekeeper to be retired by 31 December 2003, costs in fiscal year 2000 include an additional $51 million to maintain all Peacekeeper missiles for 1 year. Overall Peacekeeper costs are approximately $150 million per year and maintaining them over the FYDP will cost $560 million. Keeping our SSBN force structure at START I levels (18 SSBNs) until fiscal year 2006 will costs an additional $5.3 billion, which includes refueling, overhaul, and backfitting four Trident SSBNs with D–5 missiles.

* * * * *

Secretary COHEN. . . . So the answer is, I do not think we need to have the legislation, which expires, and we can maintain the same level until such time as—level of warheads that we have under START I, until such time as the Russians ratify START II, so we can achieve that particular goal.

Senator LEVIN. So, the way the legislation is framed is not helpful or necessary?

Secretary COHEN. I think it is unnecessary at this point.

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FISCAL YEAR 2000 DEFENSE AUTHORIZATION ACT

Senator LEVIN. Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper missiles and B–52 bombers?

General SHELTON. Yes, I would definitely oppose inclusion of any language that mandates specific force levels. It is important for us to retain the ability to deploy the maximum number of warheads allowed by START I but the Services should also have the flexibility to do so with a militarily sufficient, yet cost effective, force structure.

* * * * *

Senator LEVIN. Are there any military requirements for the 50 Peacekeeper ballistic missiles?

General SHELTON. The Commander in Chief United States Strategic Command conducted an extensive analysis of maintaining 14 Tridents, 500 Minutemen IIIs, and 0 Peacekeepers uploaded to the approximate warhead limits of START I in our inventory and he concluded this force was militarily sufficient and I concurred with this assessment.

* * * * *

Senator LEVIN. I would hope they take that into account and also the fact that they are doing that because that is what we wanted them to do under the START agreements, is to move to the new kind of weapons system. But whatever you want to take into account, please respond to that for the record.

[The information referred to follows:]

The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. Specifically, we should move to the force structure levels recommended by the Nuclear Posture Review. For fiscal year 2000, this means programming for the reduction of our nuclear-powered fleet ballistic missile submarine (SSBN) force structure from 18 to 14 TRIDENTs while maintaining 50 PEACEKEEPERs. We strongly believe it is militarily prudent to review PEACEKEEPER annually. The four SSBNs will continue to operate until they reach the end of their reactor core life when they will be retired. With a strategic force of 14 TRIDENT SSBNs, 50 PEACEKEEPER and 500 MINUTEMAN III intercontinental ballistic missiles (ICBMs), and our nuclear capable bombers, we will still be capable of deploying approximately 6,000 strategic warheads as allowed by START I. The statutory provision that keeps us at the START I level for both TRIDENT SSBNs and PEACEKEEPER ICBMs will need to be removed before we can pursue these options.

Mr. WARNER. Mr. President, if I may make one observation in reply, the President's budget for 2001 includes funds to sustain our strategic forces at current levels. Why then did he send up a budget request to maintain those strategic levels, the levels you are now asking him not to knock down?

Mr. KERREY. Mr. President, the answer to that is a question back to the

Senator from Virginia. If the President is asking for these levels, why would he insist on a prohibition of his going lower? Why is he so concerned he is going to go lower, if the President is asking for these levels? Why does he need this provision?

Mr. WARNER. Mr. President, ultimately we will go lower. But we should take into consideration the actions of the Duma and the fact that we should study very carefully this nuclear posture in view of the actions taken by the Duma.

Mr. KERREY. The question the Senator from Virginia asked me was, Why did the President send up an authorization request for current levels if he was thinking about going lower? That is a good question. I am not certain the President would use his authority. The question that provokes is, Why, if the President is asking for existing levels, are this Senator from Virginia and others so concerned that he might go lower? Why do we have this prohibition on any President? It is an unnecessary and unwarranted interference, and it makes the people of the United States of America an awful lot less safe, given what is going on in Russia today.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, I yield 10 minutes to the Senator from Delaware.

Mr. WARNER. Mr. President, will the Chair state the allocation of the time remaining between the distinguished Senator from Nebraska and myself.

The PRESIDING OFFICER. The Senator from Nebraska has 14 minutes remaining, and the Senator from Virginia has 25 minutes remaining.

The Senator from Delaware.

Mr. BIDEN. Mr. President, the Kerrey amendment is a sensible proposal that merits bipartisan support.

The Joint Chiefs of Staff decided many years ago under the Bush administration that we could safely go below START I force levels. President Bush signed START II, and the Senate approved it in 1996.

Now the Russian parliament has approved START II. That treaty cannot enter into force yet, due to differences over the ABM Treaty, but both the United States and Russia could usefully go below START I levels.

The Joint Chiefs have consistently opposed the statutory ban on going below START I levels. As General Shelton said to Senator LEVIN in an answer for the record.

> The cold war is over. . . . The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraints will need to be removed before we can pursue these options.

The ban that the Kerry amendment would repeal is a hindrance to rational planning and resource allocation. It makes us maintain forces that are not needed, at the expense of more pressing needs. As General Shelton replied to Senator LEVIN: ''Major costs will be incurred if we remain at START I levels.''

The Warner second-degree amendment would retain this ban for another year-and-a-half, for no good reason.

It would prevent the President of the United States from implementing strategic force reductions that are supported by our military leaders. It would also prevent his successor from implementing such reductions for nearly a year, and from deactivating any of those forces for another 30 days beyond that.

This is not just a slap in the face of our President—although it is surely that. It is also a slap in the face of the likely Republican nominee for President, Governor Bush of Texas.

Two weeks ago, Governor Bush proposed cuts in U.S. forces below the START II level—not just below START I, but below START II. Governor Bush said: ''The premises of Cold War nuclear targeting should no longer dictate the size of our arsenal.''

He may think that the White House is the home of cold war thinking. If the American people should ever elect Governor Bush to be our President, however, he'll find that the cold war is alive and well a couple of miles east of the White House—in his own party.

Governor Bush added, 2 weeks ago:

> . . . the United States should be prepared to lead by example, because it is in our best interest and the best interest of the world. This would be an act of principled leadership—a chance to seize the moment and begin a new era of nuclear security.

Would the Warner amendment allow him to seize the moment? Not for many months.

Imagine our new President negotiating with President Putin of Russia in 2001. Putin says: ''Let's do START III.'' President Bush (or President GORE) replies: ''Heck, my Senate won't even let me go under START I. Come back next year!''

Hamstringing the President in this way is silly, and we all know that. The Joint Chiefs opposed it; the future Republican nominee for President wants to go far beyond it; and the Congressional Medal of Honor winner from Nebraska, whom the Senator from Virginia praised just last night, would never undermine our national security.

Let's stop playing games. Let's defeat the Warner amendment and support the Kerrey amendment.

Mr. President, I will respond to some of what I have heard in today's debate. My dad has an expression: Sometimes what people say is not what they mean, even though when they say it, they think they may mean it. That sounds confusing. I always used to wonder what he meant by that. I think I understand it better now.

The Senator from Virginia has an amendment that, with all due respect to him, is bad logic, bad law, and bad politics. I know him to be a much more informed fellow. I have asked myself why, why does he have this amendment? What is the real reason? I am not suggesting duplicity. I am not suggesting any kind of treachery, but why? Why would you have an amendment that says a President cannot do what a previous President said was proper to do and all the military people then and since then have said we should do? Why would you do this?

It has dawned on me that we are finally getting to the place—I suggest humbly—that I predicted we would get to 18 months ago. We are finally coming out of the closet in the real debate. The real debate is whether there should be arms control any longer or not. I ask unanimous consent to print in the RECORD at the conclusion of my remarks a piece by Charles Krauthammer on this very point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BIDEN. It is in the latest Time magazine. Mr. Krauthammer is a very bright fellow. The thesis of his piece is that no one really listened to what George W. had to say. Everybody misunderstood what he meant when he stood up, with Henry Kissinger and Colin Powell and George Shultz standing behind him, and laid out his position, at least his position on nuclear weapons and on national missile defense.

He said that what Governor Bush really means is that this is a new era. No more arms control, period. START I, START II, START III, START anything, START V—no more. He ends his article by saying we should make our judgments about whether to reduce our weapons or to increase our weapons, or whether to build a national missile defense, irrespective of anything other than what we believe should be done at that moment. And that dictates, he says, the end of arms control.

That is what this debate is about. Cut through all the haze here. The problem with the Senator from Delaware, the Senator from Michigan, the Senator from Nebraska, and my two colleagues on the floor now, is that we know too much about this. We are like nuclear theologians. I have been doing this for 28 years. I used to know what the PSI of the Soviet SS–18 missile silo was. That is very valuable information for someone to have to walk around with. The old joke is that we have forgotten more about these details than most people ever learned. In the process, we also forgot what this is really about.

What is the logic of the Warner amendment? The logic is that this President cannot enter into any more agreements. Really he doesn't need an agreement to go down, but what they are worried about is that he could decide, either with Russian President Putin or without Putin, to take numbers down to the START II levels, and that that will be offered as a sign of good faith to Putin that the President, in fact, is ready to go lower, which is what the Russians want in a START III agreement.

This is about arms control. Let's cut through all the malarkey. Before this next 12 months are over, in the next administration—Democrat or Republican—it will finally be out in the open. This place will be divided between those who say that arms control has a place in our strategic doctrine and those who say it has no place. We are getting there. We are getting there, inching to it. They are feeling their way, I say to my friend from Nebraska, feeling their way around this because, up until now, arms control has been the Holy Grail of both Republicans who are informed and Democrats who are informed. Nobody except the wackos has been flat opposed to any arms control. But there is a feeling emerging in the intellectual community on the right, as well, that what we should be doing as the United States of America, because of our overwhelming military political and economic superiority relative to the rest of the world, not just the Russians—is taking advantage of the luxury of dictating outcomes without consultation.

My friend from Virginia knows that a lot of his friends and my acquaintances in think tanks on the right believe what I just said. I am not saying the Senator does. But that is the genesis, the root, the cause of this debate—a legitimate debate to have. But they are just a little afraid, in this election year, to say they don't like arms control: If we are elected, no more arms control. We will adjust, or not adjust, to the levels that we choose independently, not in the context of a negotiation with anyone else. That is what this is about, with all due respect to my friends who support the amendment; even if they don't think that is what it is about, that it is just logical, rational, political purpose.

Think what you are saying. You are telling the President of the United States of America: you can't go down—although, by the way, constitutionally we probably can't do this. He is Commander in Chief. Nobody has been more aware than I of the prerogative of the Senate as it relates to the war clause and the Constitutional relationship of the authority between the executive and legislative branches relative to the ability to use force and/or control the forces we have.

The reason that there was a provision on the Commander in Chief was not to allow Presidents to go to war unilaterally. It was rather to make sure Congresses didn't tell George Washington he could or could not move troops out of Valley Forge. They had a bad experience during the Articles of Confederation. So they wrote it in saying, hey, don't tell the Commander in Chief he can't steam here with the fleet or he can't move the flanks there, or he can't move troops from one place to another. That is what somebody should do day to day. We are telling him in the law and in the Warner amendment that he cannot reduce force numbers to something that has been negotiated and that everybody says makes sense.

Let me return to the Krauthammer piece, entitled ''The End of Arms Control; George W. Bush Proposed a Radical New Nuclear Doctrine. No One Noticed.''

Byline: Charles Krauthammer. Concluding paragraph:

We don't need new agreements; we only need new thinking. If we want to cut our nuclear arsenal, why wait on the Russians? If we want to build a defensive shield, why ask the Russians? The new idea—extraordinarily simple and extraordinarily obvious—is that we build to order. Our order.

Read my lips. No new treaties.

That is what this is about. Whether old ''W'' knows it or not—and I don't know that he does; I mean that sincerely; he may know more than all of us on the floor combined; he may know as little as it appears that he knows; I don't know—this approach says ''no new treaties.'' That is what this is about.

So I would like us to have national elections. There should be a national referendum as well. We should have a national debate on that. I urge my friends to come out of the closet completely. Let's have an up-or-down debate. It is a little embarrassing to make the case for the Warner amendment on either logical grounds or constitutional grounds or political grounds, based on the way it is now. It doesn't add up.

I thank the Chair. I see my time is up. I thank my colleagues, and I have a feeling this is only the beginning of what is going to be a big, big, long debate—not on this particular amendment, but for this Nation.

EXHIBIT 1

JUNE 12, 2000.

There have been two revolutions in nuclear theology since the doctrine of Mutual Assured Destruction became dominant four decades ago. The first came in 1983. President Reagan proposed that defensive weapons take precedence over offensive weapons. The second happened last week. It came from George W. Bush and was almost universally misunderstood. Bush was said to have proposed the primacy of defensive weapons over offensive weapons. That is old news. In fact, he did something far more important: he proposed the end of arms control.

This seems strange to us. For more than a generation we have been living in a world in which arms control is the norm. But for all of history before that, it was not: if you needed a weapon to defend yourself and had the technology to build it, you did not go to your enemy to get his agreement to let you do so.

When the world was dominated by two bitterly antagonistic superpowers, arms control made sense. Barely. The world was made marginally safer by the U.S. and the Soviet Union having a fairly good idea of, and a fairly good lid on, the nuclear weapons in each other's hands.

For the U.S. it was important because of a rather arcane doctrine called extended deterrence: we pledged to defend Western Europe not by matching the huge Warsaw Pact tank forces (which would have been outrageously costly) but by threatening nuclear retaliation against any conventional invasion.

Not a very credible threat to begin with. And as the Soviets overcame the American nuclear monopoly, it became less credible by the year. We needed arms control to ensure that there would be enough American nuclear firepower (relative to Moscow's) to make our security guarantee to Europe at least plausible.

As I said, arcane. But then again, the whole arms race with the Soviets had a distinctly academic, almost unworldly quality. It was really a form of bean counting. Like money to billionaires, it had little intrinsic meaning: it was just a way of keeping score.

Perhaps most important, arms control gave the Soviets and us something to talk about at a time when there was very little else to talk about. We were fighting over every inch of the globe, from Berlin to Saigon. So, every few years, we would trade beans in Geneva, shake hands for the cameras and thus reassure the world that we were not going to blow it up.

But now? That late-20th century world of superpowers and bipolarity and arms control is dead. There is no Warsaw Pact. There is no Soviet Union. What is the logic of tailoring our weapons development against various threats around the world to suit the wishes of a country—Russia—that is not longer either an enemy or a superpower?

Yet that is exactly what President Clinton has been intent on doing in Moscow this week. He is deeply enmeshed in arms-control negotiations (1) to revise the treaty that radically restricts America's ability to defend itself from missile attack (the ABM treaty) and (2) to set new numbers for American and Russian offensive missiles (a START III treaty).

The parts of this prospective deal that are not anachronistic are, in fact, detrimental to American security. One of the reasons the development of an effective missile defense has been so slow and costly is that the ABM treaty prevents us from testing the most promising technologies, such as sea-based and space-based weapons. Even today, we cannot test a high-speed interceptor against any incoming missile traveling faster than 5 km per SEC, because the Russians are afraid it might be effective against their ICBMs. This is quite crazy. It means that because of a cold war relic, the U.S. has to forgo building the most effective defense it can against nuclear attack by a rogue state such as North Korea.

But Bush's idea is significant because it goes beyond questioning why we should be tailoring our defensive weapons to Russian wishes. He asks, Why should we be tailoring offensive weapons—indeed, any American military needs—to Russian wishes?

He proposes to reduce the American nuclear arsenal unilaterally. The Clinton idea—the idea that has dominated American thinking for a generation—is to hang on to superfluous nukes as bargaining chips to get the Russians to reduce theirs.

Why? Let the Soviets keep, indeed build what they want. If they want to bankrupt themselves building an arsenal they will never use—and that lacks even the psychologically intimidating effects it had during the cold war—let them.

We don't need new agreements; we only need new thinking. If we want to cut our nuclear arsenal, why wait on the Russians? If we want to build a defensive shield, why ask the Russians? The new idea—extraordinarily simple and extraordinarily obvious—is that we build to order. Our order.

Read my lips. No new treaties.

Mr. WARNER. Mr. President, I would like to pose a question or two to my very dear friend and good colleague from Delaware.

Mr. BIDEN. I will answer on the Senator's time.

Mr. WARNER. Fine. We will do that. I ask my friend to not overextend his responses.

Mr. BIDEN. I won't.

Mr. WARNER. I think the Senator has raised a legitimate question. Are we as a body in the Senate to look in a bipartisan way to future arms control or are we not? It is a fair question given the action by this Chamber, which is a proper action, on the test ban treaty. I fought hard against that. The Senator was on the other side. We rocked the Halls of this Chamber with that debate. But that is history.

I want the Senator to know that this Senator from Virginia firmly believes in an ongoing arms control process, firmly believes that this country should continue its leadership with this very important endeavor to try to make this a more safe world. But every arms control agreement that comes along is not the one we should buy into. I say to my good friend, if he says this Chamber is divided, I commit this Senator to work, so long as I am privileged to be a Senator, for arms control. But for some reason, the Russian Duma, although it is in comparison a very new legislative body, had the opportunity to take START II and accept it, just as President Bush had signed it, put it into force and effect—but how well you understand, they put conditions on and those conditions they knew would not be acceptable in this Chamber. So they intentionally blocked going into force and effect the START II treaty. I say to my friend, why did they do that?

Mr. BIDEN. I am sorry?

Mr. WARNER. Why did the Russian Duma deliberately put conditions on START II, knowing that those conditions would never survive a vote in this Chamber?

Mr. BIDEN. Well, I would respond rapidly by saying that we have enough trouble figuring what happened in this Chamber, let alone a new parliamentary body in a place called Russia. I think what they did was to put those conditions on because we had said we wanted these protocols.

We negotiated with them. They cannot anticipate that we in the Senate do not want to do what our Presidents have negotiated with them to get done. But there is a little concern by them about this Senate like we are concerned about them.

They are saying: Look, you negotiated a START II treaty with us, and you also negotiated demarcation protocols with us that you asked for. We didn't say we want new protocols to allow certain missiles to fly at certain speeds, et cetera. We didn't ask for that. You came to us and you said that.

We agree. If you are going with the whole package you negotiated with us over the years, we are in on the deal. If you are not going with the whole package you negotiated with us, we are not in on the deal, because we don't know what you are about.

I think that is what they are thinking. That is what I think. Keep in mind that the demarcation protocols the Senators are talking about are not protocols that the Russians initiated. They did not sit down and say: By the way, let's accommodate your ability to have theater missile defenses. We said: We want to be able to do that. And we went to them. They said: We don't want to do anything on the protocol. We said: You have to. So there were negotiations for several years. And they said OK. Finally, they signed it.

That is what I think. I don't know. I have enough trouble figuring out this place, let alone the Duma.

Mr. WARNER. Mr. President, in quick reply to my good colleague, he knows full well that those protocols put on by the Duma relate to the ABM Treaty. That is a subject of great controversy.

Mr. BIDEN. If the Senator will yield for just a second, those demarcation protocols to the ABM Treaty were protocols that we—not the Duma—asked for. We asked for them. We said we will not ratify the extension of START II deadlines unless you, the Russians, allow us to test these theater missile defenses, which you claim are in violation of the ABM Treaty. Unless you amend the ABM Treaty to allow us to do this and also ratify START II, we will not ratify START II extension or go to START III. Right?

Mr. WARNER. Mr. President, our President doesn't take the exact turn in the way these things are written. The Duma knew full well that in this Chamber—and, indeed, in the Congress and, indeed, in the whole of the United States—there is a very serious and important debate going on; I hope it is part of the Presidential election debates, as to whether or not this Nation should allow itself to be held hostage by Russia in terms of a critical need to defend our Nation against the growing threat of strategic intercontinental missiles. You know that, and I know that. That is what these protocols go—the ability of this Nation to defend itself. They were very clever in the Duma because they knew that was putting out, as we say in the military, a ''tank trap.'' We were stopped cold once those protocols were put on.

Mr. BIDEN. Mr. President, will the chairman yield for another response? I will be very brief. Let me make an analogy for the chairman.

Say we have a contract with someone on the rental of an apartment building. We say we want to renegotiate that contract to be able to rent to build 12 more units on that apartment building. We say: By the way, although parking is no part of this lease, we want to renegotiate our parking lot agreement with you as well. Before we agree to go into a new deal with you on the building, we want to get 10 more parking spaces. The guy who owns the building says: Wait a minute. I don't want to. I will only negotiate with you on the building. We say: We are not going to do it unless you give us more parking spaces.

That is what we did here. They said they want to go to START III. We said we are not going to do that unless you give us more parking spaces—unless you allow us to do something the ABM does not allow us to do right now. You give us the ability to test these missiles at a faster speed to be able to intercept your missiles that are called theater nuclear missiles. You allow us to do that. If you do not, we are not going to renegotiate a deal on the whole building. Do the parking, or we will not even talk about the building.

That is what we said. We said allow us to amend ABM, or we are not going to go down to these levels.

That is what happened.

Mr. WARNER. Mr. President, I don't know.

I must regain the floor and control it.

I thank my colleague.

Mr. BIDEN. The Senator is welcome.

Mr. WARNER. Mr. President, I strongly disagree. I don't believe that linkage existed in these negotiations. What is clear is that our President, in good faith—I commend our President—at the summit did the best he could. I am concerned about some of the language he used in regard to the future discussions on the ABM Treaty.

I ask unanimous consent to have printed in the RECORD an article written by William Safire, which I think in a very clear and careful way points out the language about which I have a concern.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 5, 2000.]

MISTAKE IN MOSCOW

(By William Safire)

WASHINGTON.—''We have agreed to a statement of principles,'' President Clinton told a joint news conference in Moscow, ''which I urge you to read carefully.''

Noting that the Russian and American sides disagreed on whether a limited missile defense against rogue states posed a threat to the mutual deterrence of the ABM treaty, Clinton added: ''The statement of principles that we have agreed to I thought reflected an attempt to bring our positions closer together . . . let me say I urge you all to read that.''

O.K., let's read it. The central issue is whether the U.S. will allow Russia to hold us to the ABM treaty negotiated 30 years ago with the Soviet Union. We want to build defenses against the few missiles from terrorist nations, not the thousands held by Russia. President Vladimir Putin of Russia wants to make us pay for his permission by slashing our offensive missile forces in Start III down to levels our military leaders consider imprudent.

Clinton went along with the sweeping assertion that the two nations ''reaffirm their commitment to that [ABM] treaty as a cornerstone of strategic stability.''

Putin then gave Clinton a little wiggle room by agreeing that the missile threat from other nations ''represents a potentially significant change in the strategic situation . . .'' and to ''consider possible proposals for further increasing the viability of the Treaty.'' That means allowing the U.S. to defend its cities against rogue nations, terrorists and accidental launches only in ways that Moscow approves.

Thrice did Clinton embrace the word viability, which means ''capable of living.'' He

committed the U.S. ''to strengthen the ABM treaty and to enhance its viability'' and agreed that we ''attach great importance to enhancing the viability of the Treaty. . . .''

So here we have Clinton breathing new life into the cold-war treaty provided Putin will allow some minor amendments that may not meet future U.S. defense needs.

And then the outgoing American president stepped into the incoming Russian president's trap. He paid for Putin's permission to tinker with the ABM treaty with an enormous concession:

''They agree that issues of strategic offensive arms cannot be considered in isolation from issues of strategic defensive arms and vice versa. . . .''

Read that again to savor its import: that is the principle of linkage. It's what Putin's military wanted and what Clinton never should have given.

''Issues of strategic offensive arms'' means Start III: the reduction of the massive U.S. and Russian arsenals. The issue there is how far to cut: our military says our strength would be sapped at fewer than 2,000 missiles, while the Russians—who can't afford to keep that many nukes—want us to weaken our worldwide missile forces by 25 percent more.

''Issues of strategic defensive arms'' means ABM and our national missile defense against dictators who could threaten us with nuclear blackmail and against a possible Chinese threat. By mistakenly linking reductions in Start III (our missile offense) to the minor modification of ABM (our missile defense), Clinton played into Russian hands, making future arms negotiation more difficult for his American successor.

Now here comes the strange part. Putin must know the substantial difference in approach between candidates Al Gore and George W. Bush, Gore goes along with Clinton and presumably will embrace his ABM-Start III linkage. Bush wants a free hand with a limited anti-missile system and would set our offensive missiles at a level to suit our deterrent needs, inviting the Russians to reciprocate. Huge policy difference.

And yet Putin said, ''We're familiar with the programs of the two candidates . . . we're willing to go forward on either one of these approaches.''

Did he mean to ad-lib that? Was he misinterpreted? Having won his linkage with Clinton-Gore, is the inexperienced Putin willing to toss that advantage aside with Bush? Is a puzzlement.

Despite Clinton's policy error, he neither embraced the K.G.B.'s man nor called him ''Volodya.'' Our president's demeanor remained coolly correct, and we can at least be thankful for that.

Mr. WARNER. Mr. President, it is very clear that the next President of the United States must be given every possible bit of leverage he can have as he readdresses in good faith, as did President Clinton, this issue of the ABM Treaty. It could well be that the levels we are debating right here in this amendment are the levels of those arms reductions which we all know as a certainty will be done at some point in time.

We believe, of course, in accordance with the Warner amendment, that it should be done after careful analyses and steps have been taken. In any event, we will come down to those levels. We know that.

But should not that next President have in his negotiating strategy the ability to do those negotiations of lower levels as a part of the essential requirement to get some reasonable modification to the ABM Treaty that enables this country, as George W. Bush said in his statement, to rightfully defend itself? That is what this is all about. Don't take away a possible negotiating bit of leverage he has with regard to the levels of these weapons.

Will the Chair advise us with regard to the time remaining.

The PRESIDING OFFICER. The Senator from Nebraska has 4 minutes, and the Senator from Virginia has 15 minutes.

Mr. WARNER. Mr. President, I see my distinguished colleague, the chairman of the subcommittee, rising. I see other distinguished colleagues.

I yield the floor.

Mr. ALLARD. Mr. President, I would like to take a moment to point out that the START II agreement is not a unilateral agreement, it is a bilateral agreement. It takes the approval of both the Duma and the Russian leadership, as well as the United States.

Also, to clarify the record, in 1997 the Quadrennial Defense Review didn't include a Nuclear Posture Review. I think it is entirely appropriate that we have a Nuclear Posture Review. Since 1994, a lot of leadership has changed. A lot of technology has changed. Certainly I would like to see us move forward with disarmament. But it needs to be verifiable. It shouldn't be unilateral. I think those are two very important conditions as we move forward on the disarmament discussion.

I congratulate the chairman because I think he is moving forward with this amendment pretty much with the strategic committee; that is, we need a very careful Nuclear Posture Review. It should involve civilians as well as the military.

This is not going to happen quickly. It is going to take time. This should happen no matter who the President of the United States is. We shouldn't rush into these agreements until we fully understand where we stand and where our posture is.

I know we have some Members on the floor who may want to speak. But I say to the chairman that I think perhaps at this time we ought to have a little bit of review as to what has been happening here in the debate. I would like to take the time to do that and to clarify some statements that have been made in this debate.

Since fiscal year 1996, Congress has passed, and the President has signed, legislation prohibiting the retirement of strategic nuclear delivery systems—bombers, intercontinental ballistic missiles, and strategic submarines—until the START II agreement enters into force. This provision was designed to put pressure on Russia to actually ratify the START II agreement.

The idea was not that they were going to send back a counterproposal to the United States. Again, it would have to be considered by this Congress. This was not an inflexible position.

I point out that, for example, last year the law was modified to allow the Navy to retire 34 Trident strategic submarines. Moreover, the law has been and continues to be consistent with the administration's own policy.

We have heard quite a bit about the statement made by Gov. George W. Bush relating to U.S. strategic forces. What has been overlooked in his focus on the need to have a comprehensive review of our strategic guided forces is the statement that originally was made by Governor Bush. He said, ''As President, I will ask the Secretary of Defense to conduct an assessment of our nuclear force posture.'' Then he goes on to say, ''the exact number of weapons can only come'' after this careful assessment.

I think we are very much in step with what the committee has been saying, what George W. Bush would like to see happen, and what I hear the chairman of the Armed Services Committee saying he would like to see happen.

I would like to again review where we are with the Warner amendment.

The Warner amendment substitute would include additional items to be considered in the review required by section 1015, including whether reductions can be conducted in a balanced and reciprocal manner, whether changes in our alert posture would enhance our security and strategic stability, and whether U.S. strategic reductions could adversely impact our conventional delivery systems, such as the B–52 bomber.

The Warner substitute amendment provides authority for the President to waive the limitations in current law regarding the retirement of the strategic nuclear delivery systems once the Secretary of Defense has completed the Nuclear Posture Review required by section 1015.

The amendment by the Senator from Nebraska, on the other hand, would not be consistent with a policy enunciated by Governor Bush, nor would it satisfy the concerns Congress has raised for the last 5 years. It could lead to misguided and uninformed reductions rather than a forced posture review based on careful review of all of our strategic requirements and how they relate to overall national military strategy.

I thank the chairman for his leadership. I pledge that I will continue to work with the Senator for disarmament, move towards disarmament, but it has to be bilateral and verifiable.

Mr. WARNER. I thank my colleague. He has served this committee very well in his chairmanship. I think he has stated very clearly the issues in this amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I have enjoyed the debate very much. I wish there was more opportunity to examine the subject. I ask unanimous consent to have two documents printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. NUCLEAR FORCES (APPROXIMATE)

Type	Name	Launchers/ SSBNs	Year deployed	Warheads x yield (kiloton)	Total warheads
ICBMs					
LGM–30G	Minuteman III:				
	Mk–12	200	1970	3 W62 x 170(MRV)	600
	Mk–12A	300	1979	3 W78 x 335(MRV)	900
LGM–118A	MX/Peacekeeper	50	1986	10 W87 x 300(MRV)	500
Total		550			2,000
SLBMs					
UGM–96A	Trident I C–4	192/8	1979	8 W76 x 100(MRV)	1,538
UGM–133A	Trident II D–5	216/10			
	Mk–4		1992	8 W76 x 100(MRV)	1,536
	Mk–5		1990	8 W88 x 475(MRV)	384
Total		408/18			3,456
Bombers*					
B–2	Spirit	21/16	1994	ALCM/W80–1 x 5–150	400
				B61–7/–11, B83 bombs	950
B–52H	Stratofortress	76/56	1961	ACM/W80–1 x 5–150	400
Total		97/72			1,750
Non-strategic forces					
Tomahawk SLCM		325	1984	1 W80–0 x 5–150	320
B61–3, –4, –10 bombs		n/a	1979	0.3–170	1,350

[1] First bomber number reflects total inventory. Second bomber number is "primary mission" number which excludes trainers and spares. Bombers are loaded in a variety of ways depending on mission. B–2s do not carry ALCMS or ACMS. The first 16 B–2s initially carried only the B83. Eventually, all 21 bombers will be able to carry both B61 and B83 bombs. B53 bombs have been retired and were replaced with B61–11s.

ACM—advanced cruise missile; ALCM—air-launched cruise missile; ICBM—intercontinental ballistic missile (range greater than 5,500 kilometers); MIRV—multiple independently targetable reentry vehicles; SLCM—sea-launched cruise missile; SLBM—submarine-launched ballistic missile; SSBN—nuclear-powered ballistic missile submarine.

Why does the Pentagon Say We Need 2,500 Warheads?

Vital Russian Nuclear Targets

	Amount
Nuclear	1,110
Conventional	500
Leadership	160
War-Supporting Industry	500
Total	2,260

Damage Expectancy Levels = 80%

80% of 2,260 targets = 1,800 warheads necessary to achieve damage expectancy in an attack against Russia.

Additional targets in China, Iran Iraq, and North Korea have been assigned to U.S. strategic nuclear forces.

In total, a minimum of 2,500 U.S. warheads are needed to fulfill the SIOP.

Mr. KERREY. Mr. President, in 1968 I had the good fortune, or misfortune, to be given the chance to go down to Fort Benning and go through Army Ranger School. We had a little joke that was keying in on a line from a John Wayne movie. We looked out in the darkness and said: It sure is quiet out there. Somebody else would come back with a punchline: Too quiet.

That is precisely my instinct when it comes to strategic nuclear weapons. There is a real danger. For some reason, we understand the danger if it is North Korea maybe getting nuclear weapons or Iraq maybe getting nuclear weapons or Iran maybe getting nuclear weapons.

Russia has 7,000 strategic nuclear weapons and 12,000 tactical. These are not inaccurate, unreliable systems. These are very accurate, reliable, and deadly systems. They have more than they need, and we have more than we need. Instead of pressing the President to go to lower levels, the current language of law and this amendment says we want further delay; we want to push the President in the opposite direction. We are pushing this President in the wrong way. We should be pushing the President to go to lower levels because it keeps America safe if we do.

Why does it keep America safe? Not only is it sort of odd to be negotiating with Putin on all sorts of things at the same time that we have 160 nuclear weapons aimed at Russian leadership, but in addition, the Russian economy simply doesn't generate enough income to enable them to be able to sustain the investments necessary to control their community system and most importantly, their warning system.

So what happens? We are pushing the President to go slow, we are asking for more studies.

Mr. President, we don't need more studies. We can make this debate about more and more studies, but for gosh sakes, this is one subject on which we don't need more studies. This has been examined up one side and down the other. We have studies coming out the wazoo. We need decisions. Looking at the current situation, one can reach no other conclusion than that we are requiring the Russians, as a consequence of current law, to maintain a level beyond what they can safely control, increasing the risk far beyond the risk of rogue nations such as Iraq or Iran or North Korea, far beyond that. If there is an accidental or unauthorized launch that occurs as a consequence of a mistake made because of a warning failure, they are not going to send a couple. It will be a couple hundred or a couple thousand.

I smell danger. I am glad we have had this debate, but we are pushing the President in the wrong direction both with the amendment of the Senator from Virginia and the existing law. I hope that enough colleagues on the other side of the aisle have listened to this debate and will vote against the Warner amendment. I believe quite seriously that it increases the risk to the people of the United States of America.

Mr. WARNER. Mr. President, this has been a good debate. It is on a very important issue. I express my gratitude to so many colleagues who have participated.

In summary, I simply say this body, five times, has passed the statute which my good friend desires to have repealed. Do not repeal this statute. Do not, I say to my colleagues, in good faith, repeal a statute which was signed into law five times by the President. I ask my friend, what has changed to justify repealing it? He says the ratification of START II by the Duma. Had that ratification been in accordance with the way this Chamber ratified it, I would say it is time to let the statute go. But they did not do it. They put protocols on that treaty which pose a great problem to the next President—indeed, to this President—as he saw when he went to the summit.

And nyet, nyet, nyet, nyet, time and time again when our President tried in a very rational way to determine the flexibility that Russia might have on the ABM Treaty, which flexibility is essential for this Nation to provide for its own defense. Nyet, nyet, nyet. Those are the only changes since five times this Chamber has adopted that law; five times the President has signed it. The only change is a ratification of START II by the Duma, with impossible conditions put on it, which not only the Senate would not accept but nor would this Nation accept.

Mr. LEVIN. Any time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. LEVIN. I ask unanimous consent the portion of the 1997 QDR saying that the 1994 posture review still applied and was adequate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR FORCES

Our nuclear forces and posture were carefully examined during the review. We are committed to reducing our nuclear forces to START II levels once the treaty is ratified by the Russian Duma and then immediately negotiating further reductions consistent with the START III framework. Until that time, we will maintain the START I force as mandated by Congress, which includes 18 Trident SSBNS, 50 Peacekeeper missiles, 500

Minuteman III missiles, 71 B–52H bombers, and 21 B–2 bombers. Protecting the option to maintain this force through FY 1999 will require adding $64 million in FY 1999 beyond the spending on these forces contained in the FY 1998–2003 President's budget now before Congress.

Mr. LEVIN. That posture review supported the START II levels. Our Joint Chiefs of Staff support the START I levels. They want to be able to go to the START II levels. It has nothing to do with the ratification by the Duma. It has to do with what we no longer need in our force structure, which the law requires them to maintain, and costs dollars that could be better used elsewhere, including for perhaps health care.

Mr. WARNER. I regain 30 seconds of my time. I simply say at the time that was done, they did not foresee the Duma would put these conditions on the START II treaty. That is the essence of this debate.

Mr. LEVIN. Mr. President, I am a cosponsor of the Kerrey amendment and urge the Senate to adopt this important amendment.

Current law prohibits the U.S. from reducing its strategic nuclear delivery systems below START I levels. This law requires the U.S. to stay at START I levels—to maintain 6000 nuclear warheads, until START II enters into force. This law was enacted, in 1996, just 16 months after the START II treaty was signed. The amendment offered by Senator KERREY will repeal this law which is neither needed or helpful.

The START II treaty allows the U.S. to reduce the number of nuclear warheads to 3000–3500, but the law requires that we maintain 6000 warheads. We do not need 6000 thousand warheads and we do not need this law.

The Department of Defense has consistently argued that the law is not necessary. When asked his view about this provision, the Chairman of the Joint Chiefs of Staff, General Shelton, was clear: ''I would definitely oppose inclusion of any language that mandates specific force structure levels.'' General Shelton made it clear that the Chiefs also oppose this provision: ''The Service Chiefs and I feel it is time to consider options that will reduce the strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.'' We have already spent millions staying at the START I, 6000 warhead level. For instance, we are unnecessarily spending to maintain the 50 Peacekeeper ICBMs.

The Nuclear Posture Review, conducted in 1994, reaffirmed that the U.S. did not need 6000 warheads and that the START I level of 3000–3500 warheads was adequate. General Shalikashvili stated, in 1995, in testimony before the Armed Services Committee that ''Our analysis shows that even under the worst conditions the START II force levels (3000–3500 warheads) provide enough survivable forces, and survivable, sustained command and control to accomplish our targeting objectives.''

It is ironic that Governor Bush criticizes the Clinton administration for ''remain(ing) in a Cold War mentality'' and for failing ''to bring the U.S. force structure into the post-Cold War world'' when it is this law, put in place by Congress, that requires staying in the Cold War mentality.

If this law is not repealed now, it will tie the hands of the next President, the next Secretary of Defense, as well as the Chairman of the Joint Chiefs.

The Warner second degree amendment would require the U.S. to stay at the START I 6000 warhead level for at least another 18 months. Even though there is general agreement that we need to go below the START I level of 6000 warheads, the Warner amendment would keep the U.S. at this high warhead level, even though the 3000–3500 START II level has been reviewed and validated repeatedly and continually since 1992 when the START II Treaty was signed.

In 1994 the DOD conducted a comprehensive Nuclear Posture Review that validated the START II force structure levels—3000–3500 warheads. The 1997 Quadrennial Defense Review carefully reviewed and affirmed that the START II nuclear force structure was appropriate to protect U.S. national security requirements. In 1997, in preparation for discussions in Helsinki between the United States and Russia, the DOD and the Joint Chiefs again reviewed nuclear force structure levels and determined that an even lower force structure level at the proposed START III level of 2000–2500 warheads was adequate.

Just last month, in extensive testimony before the Armed Services Committee, the Chairman of the Joint Chiefs and the Commander of the Strategic Command testified that the 2000–2500 warhead level proposed for START III level was adequate to meet U.S. military requirements. Only Congress is still stuck at a START I force structure levels.

In light of the nuclear force structure reviews that have been conducted since START II was signed, it is clear that force structure levels will be at or below START II levels of 3000–3500 warheads. Why do we have to wait another 18 months to go below the START I force structure level—a level that no one seriously argues should be maintained?

Mr. President, the Kerrey amendment is a simple amendment to repeal a law whose time and usefulness has past. I urge its adoption.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the Kerrey motion to strike the Section 1017 of the Defense Authorization Act regarding U.S. strategic nuclear force levels.

I do not believe that the restrictions that this bill contains, which prevents the Department of Defense from reducing U.S. strategic nuclear delivery vehicles—warheads—below START I levels until START II enters into force, is necessary or, given the current international security environment, needed.

Striking this provision does not mandate any cuts in U.S. nuclear forces: It merely makes it possible, now that the Russian Duma has ratified the START II treaty, for the U.S. to make further cuts below START I levels.

In fact, I believe that it is important that the President, the Joint Chiefs, and the Secretary of Defense have the flexibility to determine the appropriate force level and alert status for U.S. nuclear forces based on military and security need.

In fact, the original reason for including this provision in the Defense Authorization bill in 1998 was not based on military or security need per se, but rather to encourage the Russian Duma to ratify START II. Well, now they have, and the U.S. should be prepared to reduce our nuclear forces below START I levels, consistent with our national security needs, if and when Russia moves to reduce its forces below START I levels in a verifiable manner. That is what the Kerrey Amendment will allow.

Before I conclude, I would also like to take a few minutes today to speak to some of the larger issues raised by this debate.

We no longer live in the world of the superpower nuclear arms race of the 1950s, 1960s, 1970s or 1980s.

During the Cold War the threat of nuclear war was omnipotent, and the size and configuration of the U.S. nuclear arsenal was very much a function of the Cold War international security environment and the needs of nuclear deterrence with the Soviet Union.

But the Soviet Union is gone. The Berlin Wall came down over ten years ago. Poland, Hungary, and the Czech Republic are now members of NATO. The world in the year 2000 is not the same as the world of twenty, thirty, or forty years ago. And I believe that our nuclear weapons policy should reflect these new realities.

We live in a transformative moment for international politics: The security structures and imperatives that guided our thinking during the Cold War have either melted away or are malleable to change. Both AL GORE and George W. Bush recognize that. Why should the U.S. Senate remain captive to the thinking of the Cold War, or to the nuclear weapons counting arithmetic of the Cold War?

The world has changed, yet as Dr. Bruce Blair, President of the Center for Defense Information, has pointed out, the Single Integrated Operating Plan (SIOP) which guides our nuclear weapons targeting, has been growing steadily since 1993, and grew over 20 percent in the last five years alone. It includes over 500 weapons aimed at Russian factories in a country whose economy is all but defunct and which produced almost no armaments last year, and over

500 Russian conventional military targets for an army of a country that can not even successfully invade itself.

Something is amiss. Clearly we need to retain a force capable of robust deterrence. But we can not allow ourselves to pursue an outdated policy that dictates an arsenal far larger than new, current-day reality suggests we need or is advisable.

I strongly believe that deterrence can remain robust with a smaller nuclear arsenal. Analysis by Dr. Blair and others suggests that with a force of 10 Tridents, each with 24 missiles, 300 Minuteman III land-based missiles, 20 B–2 bombers and 50 B–52 bombers we can assure the destruction of between 250 and 1,000 targets worldwide in retaliation for any strike against the United States. If this sort of retaliatory capacity does not deter any adversary, than it is hard to imagine what would.

I also believe that it is critical, as we move into this new world, for the United States to review our own nuclear alert status and those of other nuclear capable-states. Right now the U.S. maintains 2,300 warheads on launch-ready alert: 98 percent of the Minuteman III and Peacekeeper land-based force on 2-minute launch readiness and 4 Trident submarines, two in each ocean, on 15 minute launch readiness. The Russians, likewise, maintain their forces on hair-trigger alert. Keeping these forces on hair-trigger alert is a potential accident waiting to happen, with devastating consequences if it does.

In January 1995 a commercial space-launch off the coast of Norway in the middle of the night was almost misinterpreted by Russia as a U.S. Trident missile launch, despite the fact that we had pre-notified them about the launch. As I understand it, Russia prepared for a nuclear retaliatory strike. It was only at the last minute that the Russians realized that this was a commercial launch headed for space, not a nuclear weapon headed for Moscow and stood-down their forces.

These risks—these needless risks which do nothing to add to our security but, just the opposite, make the world a less safe, stable, and secure place—need to be addressed.

And they need to be addressed in a way that will allow us to embrace the challenge of the new century, not be held captive to the grim math of the old. As Governor Bush pointed out on May 23, ''These unneeded weapons are relics of dead conflicts and they do nothing to make us more secure.''

Mr. President, I think that it is important to point out that the Kerrey Amendment does not mandate that we cut U.S. nuclear force levels. It merely gives the President, the Secretary of Defense, and the Joint Chief the flexibility to determine whether, if and how lowering U.S. force levels below the START I limits would be a net-plus for U.S. national security and, if it is, to do it.

As Senator KERREY has argued, by mandating force levels higher than are needed or desired for national security needs, we actually run the risk of undermining our security interests. If we force the Russians to maintain at hair-trigger status more nuclear weapons than they can safely control we run the risk of an accidental or unauthorized launch. If we maintain our own nuclear arsenal at high levels when it is unnecessary to do so, we encourage rouge nations to pursue their own nuclear weapons programs.

A decade after the end of the Cold War, and on the cusp of the twenty-first century, I believe that it is critical that the United States Senate show a willingness to engage in the serious business of forging a new strategic vision. We must do so with no preconditions or preconceived notions about how many, or how few, nuclear weapons are necessary. If an objective review of our national security needs dictate that we should maintain an arsenal at START I levels, then I will be second to none in this body in insisting that our arsenal remain at that size. But if, as Governor Bush has suggested, deeper cuts are advisable, then I do not believe that artificial barriers to achieving this goal should be put in place by this legislation.

I urge my colleagues to support the Kerrey Amendment and strike Section 1017 of this bill.

The PRESIDING OFFICER. All time is yielded back on both sides.

Under the previous order, amendments numbered 3183 and 3184 shall be laid aside, and the Senate will resume consideration of the Warner amendment, No. 3173. Under the previous order, amendment 3173 shall be laid aside, and the Senator from South Dakota is recognized to offer a similar amendment.

Mr. LEVIN. What is the time agreement on the upcoming two amendments?

The PRESIDING OFFICER. Under the previous order, there are 2 hours equally divided for the two amendments.

The Senator from South Dakota is recognized.

AMENDMENT NO. 3191

(Purpose: To restore health care coverage to retired members of the uniformed services)

Mr. JOHNSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURNS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. MCCAIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. REID, and Mr. JEFFORDS, proposes an amendment numbered 3191.

Mr. JOHNSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 241, strike line 17 and all that follows through page 243, line 19, and insert the following:

SEC. 703. HEALTH CARE FOR MILITARY RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to ''space available'' health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of ''space available'' services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

(b) COVERAGE OF MILITARY RETIREES UNDER FEHBP.—

(1) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8905, by adding at the end the following new subsection:

''(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual.''; and

(B) in section 8906(b)—

(i) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2) through (5)''; and

(ii) by adding at the end the following new paragraph:

''(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.''.

(2) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(A) Section 1108 of title 10, United States Code, is amended to read as follows:

"§ 1108. Health care coverage through Federal Employees Health Benefits program

''(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title;

''(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

''(C) an individual who is—

''(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

''(ii) a member of family as defined in section 8901(5) of title 5; or

''(D) an individual who is—

''(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

''(ii) a member of family as defined in section 8901(5) of title 5.

''(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

''(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

''(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

''(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

''(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

''(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

''(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.''.

(B) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

''1108. Health care coverage through Federal Employees Health Benefits program.''.

(C) The amendments made by this paragraph shall take effect on January 1, 2001.

(c) EXTENSION OF COVERAGE OF CHAMPUS.—Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''Except as provided in subsection (d), the'', and inserting ''The'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

Mr. JOHNSON. Mr. President, I am pleased to be joined by Senators MCCAIN, BINGAMAN, MURRAY, REID, and JEFFORDS in offering an amendment dealing with military retiree health care. I first want to thank Senators WARNER and LEVIN for their continued hard work in the Armed Services Committee in attempting to address this critical and urgent issue.

Last year, the Senate began to address critical recruitment and retention problems currently facing our nation's armed services. The pay table adjustments and retirement reform enacted with my support in the fiscal year 2000 Department of Defense authorization bill were, frankly, long overdue improvements for our active duty military personnel.

However, these improvements did not solve our country's difficulty in recruiting and keeping the best and the brightest in the military. In order to maintain a strong military for now and in the future, our country must show that it will honor its commitment to military retirees and veterans as well.

Too often, military health care is treated as an afterthought rather than a priority. That's why on the first day of this legislative year, I introduced the Keep our Promise to America's Military Retirees Act, S. 2003. This legislation currently has 32 bipartisan cosponsors including 18 Republicans and 14 Democrats.

Companion legislation in the House has over 300 bipartisan cosponsors. The bill also has the strong support of military retirees across the country and organizations including the Retired Enlisted Association, the Retired Officers Association, the National Association of Uniformed Services, and the Disabled American Veterans.

The amendment I offer today is the same language as that contained in S. 2003. This legislation honors our nation's commitment to the men and women who served in the military by keeping our Nation's promise of health care coverage in return for their service and selfless dedication.

In doing so, it also illustrates to active duty men and women that our country will not abandon them when their military career ends.

Our country must honor its commitments to military retirees and veterans, not only because it's the right thing to do, but also because it's the smart thing to do.

We all know the history: For decades, men and women who joined the military were promised lifetime health care coverage for themselves and their families. They were told, in effect, if you disrupt your family, if you work for low pay, if you endanger your life and limb, we will in turn guarantee lifetime health benefits.

Testimony from military recruiters themselves, along with copies of recruitment literature dating back to World War II, show that health care was promised to active duty personnel and their families upon the personnel's retirement.

In fact, Chairman of the Joint Chiefs of Staff, General Henry Shelton, testified before the Senate Armed Services Committee and said:

> Sir, I think the first thing we need to do is make sure that we acknowledge our commitment to the retirees for their years of service and for what we basically committed to at the time that they were recruited into the armed forces.

Defense Secretary William Cohen also testified before the Senate Armed Services Committee and said:

> We have made a pledge, whether it's legal or not, it's a moral obligation that we will take care of all of those who served, retired veterans and their families, and we have not done so.

Prior to June 7, 1956, no statutory health care plan existed for military personnel, and the coverage which eventually followed was dependent upon the space available at military treatment facilities.

Post-cold war downsizing, base closures, and the reduction of health care services at military bases have limited the health care options available to military retirees.

That's right: Many of the people who helped us win the cold war have lost their health care because the cold war ended.

Some military retirees in South Dakota and other rural states are forced to drive hundreds of miles to receive care. Furthermore, military retirees are currently kicked off the military's TRICARE health care system when they turn 65.

This is a slap in the face to those men and women who have sacrificed their livelihood to keep our country safe from threats at home and abroad.

My amendment honors the promise of lifetime health care coverage. It does so in two ways:

First, it allows military retirees who entered the armed services before June 7, 1956 (the date military health care for retirees was enacted into law) to enroll in the Federal Employees Health Benefits Program (FEHBP), with the United States paying 100 percent of the costs.

Second, military retirees who joined the armed services after space-available care was enacted into law on June 7, 1956 would be allowed to enroll in FEHBP or continue to participate in TRICARE—even after they turn 65. Military retirees who choose to enroll in FEHBP will pay the same premiums and fees—and receive access to the same health care coverage—as other Federal employees.

In my own family, my oldest son is in the Army and currently serves as a sergeant in Kosovo. I fully appreciate what inadequate health care and broken promises can do to the morale of military families.

This stress on morale not only effects the preparedness of our military units, but also discourages some of our most able personnel from reenlisting, making recruitment efforts more difficult.

I have long contended that all the weapons and training upgrades in the world will be rendered ineffective if military personnel and their families are not afforded a good ''quality of life'' in our nation's armed forces. I have been a strong advocate of better funding for veterans health care, military pay, active duty health care, education and housing.

The Johnson amendment continues these efforts led by Senator WARNER, Senator LEVIN, and others to address these important quality of life issues.

Senator WARNER's modified amendment incorporates an important part of S. 2003—the extension of TRICARE to Medicare-eligible retirees and dependents. I applaud the Senator for his work.

However, only my amendment fulfills the promise of health care for military retirees while illustrating to current active duty personnel that our country supports its commitments to men and women in the military.

I am also concerned that Senator WARNER's modified amendment terminates in 2004. This could leave military retirees once again wondering where their health care will come from. The Johnson amendment does not terminate.

I understand the rationale for Senator WARNER's amendment. I am going to support the amendment of Senator WARNER. It is a good-faith effort to do the best that can be done on the health care issues, within the context of the budgetary marching orders that have been imposed on Senator WARNER's committee. I understand that. I understand he is doing the best he can within the fiscal envolope that he has been afforded.

But it frustrates me, as I know it frustrates tens of thousands of military retiree and active duty personnel, that for years and years we have been told: Yes, we know we have a commitment to you for health care but we can't afford it. The Nation's budget is in the red. We are running deficits. We simply cannot afford to live up to those promises.

That was never entirely true. In fact, in the context of a $1.5 trillion budget, we could have reoriented priorities, I believe, in such a way that we could have kept our promises to military personnel and retirees. But there was an element of truth to the fact that we were running red ink and we were running massive deficits.

Those days are gone for a lot of different reasons. We have had much debate on this floor as to why we now find ourselves running significant budget surpluses over and above that attributable to Social Security and why those surpluses, projected out 10 years from now, will run in the $3 trillion range, some $700 billion to $1 trillion over and above what is required for Social Security because we are certainly in agreement we are not going to dip into anything that is attributable to Social Security. That is off the table, and rightfully so. There is the question about what will we do with the $700 billion to $1 trillion budget surplus that is being projected by both the White House and by the congressional budget experts.

The amendment pending is an expensive amendment. I understand that. It could run around $3 billion next year and $9 billion a year after that, according to our friends at the Congressional Budget Office. That is a significant expense. What I am asking is if this is not a time when we can afford to live up to our promises to our military retirees and our military personnel, then when will that time ever occur?

There are those who see other uses for that $700 billion to $1 trillion surplus over and above Social Security. I have other things I would like to do as well, including some tax relief. There are those who want tax relief in the range of essentially the entire surplus. I am suggesting there is room for tax relief, there is room for paying down the debt, there is room for education, and a number of other things. If we do this right, this is a once-in-a-lifetime opportunity to utilize some of that projected surplus to, in fact, finally—finally—live up to our commitment to our military personnel and retirees, many of whom, frankly, have gone to their graves without the benefits they were promised. We do have that once-in-a-lifetime, unique opportunity this year to do something constructive, to make a commitment that we will fund this, not out of military readiness, not out of active duty budgets, but, in fact, out of this projected surplus that the CBO and OMB people tell us is headed our way.

Military retirees and veterans are our Nation's most effective recruiters. Unfortunately, poor health care options make it difficult for these men and women to encourage the younger generation to make a career of the military. In fact, in Rapid City, SD, which is outside of Ellsworth Air Force Base, a very significant B–1 military base in my State, I was talking to military personnel and talking to retirees who are as loyal and as patriotic, who have paid a price second to none for our Nation's liberty, and they told me: Senator, I can't in good faith tell my nephews, my children, young people whom I encounter, that they ought to serve in the U.S. military, that they ought to make a career of that service because I see what the Congress has done to its commitment to me, to my family, to my neighbors. The health care promises were never lived up to, and we don't think you ever will live up to them. You have no credibility with us. It has gone decades, it has gone generations, and you have not lived up to the health care obligations and responsibilities that you said, if we put our lives in danger, we would have. How can I in good faith tell these young people they ought to make a career of the military, that it is a distinguished professional option they ought to consider, when you treat us shabbily?

That is the message I hear from active duty as well as retired military personnel in my State. It is the same in the mail and e-mail I get from all across the country saying: 2003 is the only legislative option we see that truly lives up to Congress' obligations.

No more excuses. The money is there. The only question is, Is the political will there? Is this a priority or is it not? I am pleased we are having this debate.

Mr. DORGAN. Will the Senator from South Dakota yield?

Mr. JOHNSON. I yield to my colleague.

Mr. DORGAN. Mr. President, Senator JOHNSON has been working on this issue for a long while. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this amendment addresses a critical need. I ask him if he sees in South Dakota what we know and see in North Dakota with respect to the veterans' health care system. The system is not working. We have a fellow in north central North Dakota who went to Vietnam and took a bullet in the brain and is severely disabled for life. Because of that, he has muscle atrophy and a range of other health problems and had to have a toe removed.

The VA system said to his father: Haul him over to Fargo, ND, and we will do that in the VA system.

In other words, take this severely disabled person, put him in a car, drive him nearly 200 miles to the east and have this procedure done—not a major procedure—and then drive him 200 miles back, and that is the only way we will cover that expense.

The father said: Is this the way to treat a son who served his country in

Vietnam and was shot in the head and is now consigned to a very difficult life? Is this a way to treat him? It is not. The health care system is not working. The VA system is not able to meet the needs.

I ask the Senator from South Dakota, is it not the case, in his opinion, that the cost of veterans' health care is part and parcel of the cost of defending this country? It ought to be part of the cost of defense because it is a promise we made and have not kept to veterans in this country when we said: Serve your country, and we will provide you a health care system that works for your needs.

Mr. JOHNSON. Mr. President, the Senator is exactly right. We have a problem both on the VA health care side and on the military retiree side; that is, those who have served their 20 years in the military and rely on TRICARE currently, previously CHAMPUS, for their health care needs in both instances.

These people who have served this Nation in such an extraordinary fashion have, in all too many instances, not received the quality, the accessibility, or the affordability of health care they deserve. It is doubly difficult in rural States, such as our own, but it is a problem everywhere.

It is suggested as a compromise that we simply extend TRICARE to those who are age 65 and older. That is an additional option which I applaud, but that does not extend the Federal Employees Health Benefits System to either people prior to 65 or older and, frankly, up until now, TRICARE is not viewed in my State with great enthusiasm by many of our military retirees. I understand it is a new program, and it may improve as time goes on. Simply doing that alone falls far short of living up to the obligations Congress made during times of war when we were not sure if our Republic was going to survive World War II, when we did not know what would happen and we called these people into service, followed with Korea, Vietnam, and other conflicts, with people dying for our liberty. We were quick to make promises at that time: If you help us out, if you work for almost nothing, disrupt your families and serve this Nation, we will provide you with quality health care.

They did their share. They came home and we said: Wait a minute, this is a little more costly than we thought, and we have decided to forget about it.

We are not going to live up to those obligations. That is what this Congress has said through administrations of both political parties over the years.

We have an opportunity now to bring that, at last, to a halt and to deal with our military retirees with a spark of integrity, at last. That is what this amendment is about.

Mr. DORGAN. Will the Senator yield for a last question?

Mr. JOHNSON. Yes.

Mr. DORGAN. I appreciate the indulgence of the Senator from South Dakota.

I assume he agrees with me we are not in any way attempting to denigrate the wonderful men and women who work at the VA health care centers around the country. Many of them do an extraordinary job. But they are not funded well enough. We do not have the resources to do the job we should.

I just want to mention, on a Sunday morning some while ago, I was at a VA hospital presenting medals that had been earned, but never received by an American Indian. His family came, but also at this VA hospital, the doctors and the nurses came into his room. I pinned those medals on the pajama tops of this man named Edmund Young Eagle. He died 7 days later. He was very ill with cancer. But it was an enormously proud day for him because he served his country in Africa and Europe in World War II. The fact is, this man served this country around the world. He never complained about it.

The day I pinned the medals on his pajama tops, you could see the pride in his eyes. I appreciated the fact that at this VA hospital the doctors and nurses came around and were part of that small ceremony.

But there are so many people such as Edmund Young Eagle and others who served their country, have never asked for much, but then need health care, only to discover that the system for delivering that health care is not nearly funded well enough, while in the Congress, somehow we are more eager to say that defense relates to the things in the Defense Department and that the VA health care system is somehow not part of that obligation. It is part of that obligation. That is why I am pleased to support this amendment.

As I mentioned, I say to Senator JOHNSON, he has been working on these issues for a long while. I hope the Congress will embrace this approach now so that we can be as proud of what we are doing for veterans and for their health care needs as Edmund Young Eagle was proud that day of serving his country.

Isn't it the case that we have dramatic needs—underfunding in these facilities—and that the Senator's approach to dealing with this would say it is a priority in this Congress to address the health care needs of veterans and we believe the health care needs of veterans are part and parcel of this country's defense requirements?

Mr. JOHNSON. I think the Senator from North Dakota raises an excellent point. He himself has been a champion for veterans and military retirees.

Obviously, when we come to the point of the VA-HUD appropriations issues, we will do the very best we can within the VA context, while at the same time trying to address the military retiree issues. They go hand in hand. They are both very much part and parcel of our overall effort towards military recruitment, retention, and readiness. They are part of that same package. I certainly commend the Senator from North Dakota for his leadership in that regard.

Mr. WARNER. Will the Senator yield?

Mr. JOHNSON. I certainly yield to the Senator from Virginia.

Mr. WARNER. I want very much for the Senator to have a full opportunity to present his viewpoints, of course, in the time remaining. But at some point I think it would be very helpful to the other Senators following this debate to frame exactly what the differences are between the Senator's approach and the approach I have in my amendment. If he could indicate in the course of his presentation when we can bring that into sharp focus for the benefit of our colleagues, I would like then to get into a colloquy, on my time for such portion of the colloquy as I expend in my statements.

Mr. JOHNSON. The chairman, the Senator from Virginia, has a very constructive suggestion. I certainly will not put words in his mouth relative to the interpretation of his legislation. I applaud him for his legislative efforts. But I will draw some distinctions as to his pending amendment and my amendment.

I intend to vote for both amendments. My amendment is farther reaching and, as I am sure the distinguished Senator from Virginia would note, is more costly. Because of that, it runs into additional parliamentary issues perhaps. But I will attempt, in closing, to draw some distinctions between what it is we are trying to do.

Mr. WARNER. If the Senator would indicate such time it would be convenient for him to proceed to questions, then I would seek recognition.

Mr. JOHNSON. Very good.

The opponents of S. 2003, in my amendment, again would claim that it simply costs too much; roughly $3 billion in fiscal year 2001, and, over 10 years, CBO estimates an average cost of $9 billion a year to fulfill our promise of health care for military retirees. This does not come cheaply. I am very up front on that fact. However, we are talking about a $200 billion budget surplus—$9 billion here; $200 billion surplus—$800 billion to $1 trillion over 10 years. That is a conservative estimate.

So if we look at the larger scheme of things, in terms of where this ought to be within our budget, and also with the possibility of some reprioritization of the existing budget, I believe the argument that we simply can no longer afford to live up to our promises to military personnel who sacrificed so much, including families of those who have died defending our right to be here debating this issue today, simply no longer holds.

We invest billions of dollars each year to build new weaponry, and rightfully so. But all the weapons in the world will be rendered useless or less useful without the men and women in uniform and without the high-quality, qualified personnel we need to operate them.

I believe a promise made should be a promise kept. We owe it to our country's military retirees to provide them

with the health care they were promised. The effort behind this amendment has been 100-percent driven by military retirees taking action on the benefits to which they are entitled. It is the right thing to do. No more tests; no more demonstration projects; no more experiments.

I think we need to act now on a program that works, building on the Federal Employees Health Benefits Plan system. On average, 3,784 military retirees are dying each month. The time to act is now. These retirees have mobilized in a grassroots lobbying campaign throughout the country to fight for lifetime health care.

I hope we do not leave this floor today without giving true access to health care to these soldiers, sailors, and airmen who have patriotically served our country. We have a long way to go. I will continue to work with Senators WARNER and LEVIN, and my colleagues, to be sure that our country's active-duty personnel, military retirees, and veterans receive the benefits they deserve.

Senator WARNER has suggested we draw some clear distinctions between the amendments. I think that is a very constructive suggestion. I am sure he will elaborate on the differences.

A difference, as I understand it, is that my amendment would allow those who retired before June 7, 1956, to have fully paid participation in the Federal Employees Health Benefits Plan. That is the plan in which all Federal employees, including Members of this body, participate. Frankly, it is a very successful and very popular health system. Ask any Federal employee. They will tell you the Federal Employees Health Benefits Plan is an excellent one. It provides every citizen with an option, a menu, from a ''Cadillac'' to lower-priced option, depending on how extravagant they feel in relation to their share of premiums in the health care plan.

For those who retired before 1956, we will say, if you want to continue to participate in TRICARE, you certainly can, but your other option is to move over to the Federal Employees Health Benefits Plan, like other Federal employees and like your Senator. What is good for your Senator is good for you.

For those who retired after the magic date of June 7, 1956, we say, you, too, have the option of participating in the Federal Employees Health Benefits Plan, or you can continue to use TRICARE. You will, however, pay premiums similar to what Federal employees pay.

It is not entirely free, but you will have this additional option, and you may continue to stay there post age 65 in retirement.

Our plan builds on utilization of the Federal Employees Health Benefits Plan, fully premium paid for those older military personnel with premiums for the somewhat younger personnel, optional. And it is perpetual. This is not a pilot project. This is not an experiment. We will not take this away from you 2 years down the road because we ran out of money. This is a commitment. You have to decide what your retirement plans are. You have to plan for that. We don't want to be jerking the rug out from under you. We have a plan. It is there. You choose it, if you choose it. No more demonstration projects that apply to some parts of the country and not other parts or it is in for a couple years and then we will assess it and decide whether to continue it or not. We are not interested in that.

The Warner amendment, which I think is certainly a step ahead of where we are now, does move the health care benefits down the road in a constructive way. I applaud the Senator for that. But as I understand the Senator's amendment, it essentially allows those who are 65 and older, rather than to be pushed out of TRICARE on to Medicare, to continue their participation in TRICARE health care services post 65. That is an additional option. I am all for options. I think that is a good thing.

It does cost some money. Senator WARNER's amendment does fit within the current budget resolution, but in order to get it within the budget resolution, it would terminate in 2004. It may be, if this is successful, there will be additional revenue, and maybe we will continue it post-2004. But there is no certainty to that within the legislation. It fits within the current budget resolution because it has been chopped short in fiscal year 2004. So while TRICARE works better for some people than for others, it has not worked terribly well in my home State. My State is a rural State, which may be a bit different. Trying to make managed care work in my State is a little more difficult than it might be in other areas. I certainly concede that. But in my area, even if we gave people a continued TRICARE option, I am not sure they would beat a path to it particularly. Some may. Again, I certainly applaud the option.

That is the basic difference between Senator WARNER's amendment, which is constructive and does give an additional option to those who are post 65, and my plan, which builds on the Federal Employees Health Benefits Plan, applies both to pre-56 and post-56—pre-56 with premiums paid—and on into retirement, and gives people those options.

Frankly, most people I talked to, if they had a choice between TRICARE and the Federal Employees Health Benefits Plan, they would run as fast as they can go to the Federal Employees Health Benefits Plan, the plan their Senators and Congressman have, and, for that matter, all Federal employees in their hometown have.

As I see it, put very shortly and perhaps not with as much detail towards the plan of the senior Senator from Virginia, that is the basic difference from which we have to choose. They are not inconsistent necessarily, but I do believe that 2003 is a far, far more expansive and permanent approach to the urgent crisis we have for military retiree health care.

The distinguished Senator from Virginia has suggested that he may want to comment at this stage on his amendment. I think it is appropriate that we discuss both of them in this context.

Mr. President, I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I advise my colleagues that at an appropriate time someone from the Budget Committee on this side of the aisle will make a point of order.

Mr. President, we are almost parallel in thought here, certainly parallel in thought for the need to help the retirees. I have been privileged to be in this institution 22 years. This is the first time, I say to my colleague, we have ever taken a step to provide for retirees. No one can refute that. If I may say, to push aside a little humility, it came from this side of the aisle. It was not in President Clinton's budget. It hasn't been in any of his budgets. We took the initiative. We have done it carefully step by step. I commend my colleague for his leadership on this issue. Indeed, it is the interest in his bill which has been garnered across our land that has helped our committee to, step by step, begin to increase these provisions.

I see my colleague wishes to make a point.

Mr. LEVIN. I wonder if the Senator will yield for one quick comment?

Mr. WARNER. I will.

Mr. LEVIN. The provision in the bill that provides the prescription drug benefit for retirees was a bipartisan effort in our committee.

Mr. WARNER. Absolutely, Mr. President.

Mr. LEVIN. I think the Senator said it came from a certain side of the aisle. It was not in the President's budget, but it was a bipartisan effort in committee which I now believe the President supports.

Mr. WARNER. Mr. President, once we took the initiative on our side of the aisle in the committee, we had bipartisan support across the board. The Senator is absolutely right. The point is where we are. We are faced with constraints in military spending, as we are in all other avenues. Let's make it clear—let's see if the Senator and I can agree—the CBO, in costing out my bill, said it would be about $40 billion over 10 years. Will the Senator agree with that?

Mr. JOHNSON. That is as I understand it.

Mr. WARNER. The CBO, looking at the Senator's bill, said it would cost about $90 billion over 10 years.

Mr. JOHNSON. Nine billion per year.

Mr. WARNER. Correct. So the difference between the two approaches is very significant in terms of dollars. In fact, the distinguished Senator's bill would cost along the following lines: He said $3 billion in fiscal year 2001; $5.7 billion in 2002; up to $8.3 billion in 2003; $9.4 billion in 2004; and going out to 2010, $12 billion. So those are the figures. I think we are in agreement as to the dollar consequences of the two bills.

Yesterday, my distinguished colleague, the ranking member of this committee, when I raised the amendment, said that a point of order would rest. The inference was clearly that it would be brought against my amendment. Whereupon, I thought it imperative that I take my amendment and amend it, which I did, to just go out to the year 2004. By so doing, the expenditures under my bill, as they flow out through these years, bring it within the Senate budget resolution and, therefore, does not make it subject to a point of order.

I think we can agree on that point.

Mr. JOHNSON. I am in agreement with the Senator on that issue.

Mr. WARNER. But my distinguished colleague proposing this amendment has decided not to try to take a similar action with regard to his amendment. Am I correct in that?

Mr. JOHNSON. The Senator is correct.

Mr. WARNER. The retiree community, in particular, following this, will say to the Senator from Virginia: Why did you cut short to 2004? I simply say: Because the likelihood of getting 60 votes was in doubt, and I didn't want to have that doubt. I wanted to make sure we got started on some major incremental series of benefits for retirees. That is why I did it. I made that calculation. I take full responsibility for having done it.

Now, let's see if we can narrow the differences between the approach of my colleague and the one I take. I summarize it as follows: I have provided in my bill, albeit only through 2004, every provision the Senator has. Particularly, I commend him for waiving the 1964 law—not waiving it, but taking it off—which was essential. We did that together.

The main difference is the coverage that is given to these retirees under the Federal Employees Health Benefits Program; would I be correct in that?

Mr. JOHNSON. I believe that is a key difference. Also is the fact that this legislation of mine does address the issue of free medical care.

Mr. WARNER. But my point is, had it been able to go out 10 years, we continue to use that baseline. I am absolutely confident that this issue of retiree health care will be injected into the Presidential campaign. Each candidate will be asked what position he wants to take on that. I am certain they will. And should my amendment be adopted by the Senate and become the law of the land, and given that it has to stop in 2004, the first question I would ask the candidates is, Are you going to support rewriting the Warner amendment such that it goes out in perpetuity? I forewarn the candidates to be prepared to answer that question.

I support, of course, that action by the Congress, with the support of the next President, to make it in perpetuity. But going back to the Senator's point, coverage under the Federal Employees Health Benefits Program is what takes my bill from $40 billion to yours to at $90 billion; are we correct on that? Let's address the situation.

We passed—I believe it was 2 years ago—a program to allow the retirees to decide whether or not they wanted to go into this Federal health program. Interestingly, we allowed up to 66,000 to enter under that experimental test program. Mr. President, astonishingly, only 2,500 of those eligible opted to do it, indicating to our committee that they felt if they could get the full benefits offered to them when they were on active duty in their retired status, they preferred to have that rather than to go into the Federal health program. What clearer evidence could there be? We offered 66,000 a chance to do it and only 2,500 accepted.

Mr. JOHNSON. If the Senator will yield on that point, apart from the fact that the military retiree organizations themselves are telling us in no uncertain terms that they prefer the Federal Employees Health Benefits Plan coverage, I think the following points need to be made. First, relative to this 66,000 test program, there was, in fact, I am told, a lack of timely delivery of accurate, comprehensive information about the Federal Employees Health Benefits Test Program. Some of those surveyed claimed that townhall meetings sponsored by the Department of Defense to promote the test were poorly planned and publicized. Many retirees noted the inability to get accurate information and forms from the Department of Defense call center.

Frankly, there has been a fear of the unknown with the test program. Retirees are being asked to change health programs for a test program that ends in 2002. Many retirees are worried they would have to simply change back at the end of the test period. One retiree responded to the military coalition survey by saying, ''I just could not risk having to try to get insurance at age 73 should the demonstration fail to be renewed.'' That may have been a misperception, but it was one that skewed the results of the 66,000-member test. There is no doubt about that.

Mr. WARNER. I say to my good friend, clearly some of that may have taken place. It is better that retiree organizations should certainly have tried to give them the information and explain it. They have done a magnificent job in explaining what my colleague is offering in his amendment.

I wish to return to the following. Here we go. We are now taking the retirees who are given only Medicare, and the Warner bill now restores them to the full rights they had when they were on active duty in terms of health care. My good friend, Senator JOHNSON, wants to offer them also the chance to go into the Federal program, and the cost of that is largely borne by the Federal Government. That raises his amendment up to twice the cost of mine, using the 10-year average. But we are giving them both.

At the same time, I project that the Congress is going to be called upon, should the Warner amendment or the Senator's amendment become law, to begin to add funds for the existing military health care program so that it can absorb back this community. That is not an insignificant expenditure. Now, having done that, which we have to do under either amendment, then to offer them the chance to go into the Federal program, you put the infrastructure in place, they don't avail themselves of it, they go into the Federal employees program, and you have built a big medical program that will not be fully utilized.

Mr. JOHNSON. If the Senator will yield for a moment, one of the benefits of the Federal Employees Health Benefits Plan is it doesn't require a large, new infrastructure to be set up. People simply choose the insurance policy of their wish and they go to whomever they wish, whether managed care or fee for service, and you are not left with trying to create a new Federal bureaucracy or structure.

Mr. WARNER. The Senator is correct. But am I not also correct that if we mandate by law that the existing military health program has to absorb back into it this class of retirees, they will have to augment doctors, nurses, perhaps modest increase in facilities, and all of the other infrastructure that is necessary to give these people fair, good quality health care; am I not correct?

Mr. JOHNSON. I am not sure I understand the Senator's point on this. In fact, it would seem to me that more military retirees will have their own personal health care services taken care of, and there would be less reliance on the existing military health care structure.

Mr. WARNER. Mr. President, the number of retirees over 65 is roughly 1.4 million persons. Under the Warner amendment, as well as the Johnson amendment, they are now taken back into the existing infrastructure that cares for active duty and under-65 persons. Anyone would know that with 1.4 million now given the opportunity to come back in, you would have to augment and refurbish that system. This will be a justifiable issue before the Congress very quickly. I am certain the Secretary of Defense—the next Secretary—in the posture statement of the next President will say: All right, Congress; you said we are to take them back. We are happy to take them back, but give us the funds to refurbish and

augment that system. That will be done.

That system will be prepared to take back these people, and at the same time, you are saying to these people while we put the infrastructure in place, you may decide not to use it and go off here and avail yourself of other taxpayer dollars—namely, paying a premium of 70-plus percent, in most cases, to go into the private sector. Of course, there is no augmentation to the private sector. The private sector could probably absorb this class. There could be a competition between the private sector and the military infrastructure. But the military infrastructure has to be put into place. As you say, very little would have to be done in the private sector to absorb them.

So that is the reason, I say to my colleagues, no matter how laudatory the amendment would be. I suggest we go a step at a time in treating these people fairly. And we have taken the initiative to do it. Let's do it a step at a time and first refurbish the existing military system to accept them back and give it a period of several years under my amendment to see how it works before we take the next leap and put on the American taxpayers double the amount of money that my amendment would cost.

Mr. LEVIN. Will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. LEVIN. This is to clarify the differences between the approaches. I understand there is another difference between the two, which is that TRICARE would be available to all over 65 under both proposals, but under the proposal of the Senator from Virginia, TRICARE would only be available for those who pay Part B.

Mr. WARNER. He is accurate in his statement.

Mr. LEVIN. Whereas, under the Johnson proposal, Part B would not have to be paid for by retirees in order to have TRICARE provided to them.

Mr. JOHNSON. The Senator is correct.

Mr. LEVIN. I believe the Senator indicated before that TRICARE was available to all retirees under both proposals, that this would be one difference in that regard, and that under your proposal, Part B would not have to be paid for by the retiree; whereas, under the proposal of the Senator from Virginia, it would have to be. I am not arguing the merits or demerits, but factually that is a difference; is that correct?

Mr. JOHNSON. The Senator is correct.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. WARNER. Mr. President, would you give both times?

The PRESIDING OFFICER. The Senator from Virginia has 46 minutes remaining.

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Arkansas may require.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I join Chairman WARNER in expressing my gratitude to Senator JOHNSON for his leadership on this issue. He made some very salient points on which I hope to reflect in my comments in support of the Warner-Hutchinson amendment.

The question here is not one of sentiment. It is not one of seeing the problem. It is not one of wanting to act and to act now. The question is, What is the realistic way?

The fact that the Johnson amendment will cost over $90 billion and will be subject to a budget point of order, which Senator LEVIN saw fit to raise in regard to the underlying Warner-Hutchinson amendment which would have made this permanent but has not seen fit to raise against Senator JOHNSON, but undoubtedly that is going to happen, that is a huge barrier, as we know, and a big problem.

I think we have to do something this year. That is why I am glad to rise and join Senator Warner in introducing the Warner-Hutchinson amendment for the national defense authorization bill for fiscal year 2001.

I want to comment also on Senator DORGAN's points concerning the VA health care system; that it was this Congress last year that increased VA medical care spending by over 10 percent, the largest single increase in VA health care spending in over a decade; that, indeed, with our veterans, as well as with our military retirees, our credibility is in tatters when it has been this Congress that has been determined to take the steps necessary to restore that credibility and to restore that confidence—with the pay raise last year, with the 10-percent increase in VA medical spending, far above the President's budget request, and now with this enormous step. Let us not, in comparing it with Senator JOHNSON's broad amendment, try to minimize the significance of the step that will be taken under the Warner-Hutchinson amendment. I am glad to be a sponsor of this amendment in introducing it.

In my experience as the Armed Services Committee Personnel Subcommittee chairman, and in my experience as a member of the Veterans' Affairs Committee—I have served on the Veterans' Affairs Committee in the House and in the Senate since I came to Congress—I visit regularly with retired military personnel on a broad range of topics.

Time and time again when speaking with military retirees, or responding to letters of concern, the subject of adequate health care coverage comes up. Senator JOHNSON is absolutely right about the feelings expressed by our military retirees and their concerns since we have broken our commitment and our promise to them.

The citizens of our country who have served proudly in the armed services prefer to be doing other things than spending their time petitioning Members of the Senate. They are mature, humble, and they are patriotic by nature. But in this situation, they simply must speak out. These fine Americans have been slighted as the years have passed. They have seen benefits erode. They have seen promises broken or the fulfillment of promises delayed.

No issue causes more distress than the lack of comprehensive medical care as part of their retirement benefits. Military retirees are annoyed. They are more than annoyed. They are distressed. They feel betrayed. They have witnessed bureaucratic stalling through trial programs and tests that serve no purpose and simply nibble around the edges of the problem. They do not provide the kind of permanent and tangible fixes to the inadequacies and shortfalls of the medical care system.

I want to share a couple of quotes from several of the thousands of heartfelt letters I have received on the subject of military retirees in my home State of Arkansas. These letters from Arkansans who have served faithfully in our Nation's Armed Forces are a mere representation of the sentiments expressed by military retirees all across the Nation.

Col. Bob Jolly, of Hot Springs, AR, echoes the feelings of many others when he writes:

> Thousands of military retirees are dying each month while denied the health coverage our government willingly gives all other federal retirees. We older retirees, now in our sixties and seventies, cannot wait for your Senate colleagues to prescribe years of tests to receive the care we were promised and have earned through decades of fighting our nation's wars.

Then, in a letter Mr. Stewart Freigy, a retired Air Force pilot from Hardy, AR, writes:

> My decision to make a career of the Air Force was based on two things. First a sense of patriotism instilled in me as a child. The second factor was a promise by my government that if I served twenty years, I would receive half of my base pay plus free medical and dental care for myself and my dependents for the rest of my life. By the time I retired, the dental benefits were already gone. Since then I have watched the erosion of my benefits through Champus and then through Tri-Care. In short, like many other military retirees, I feel I have been deceived by a government that I served faithfully.

Mr. President, it is time we let retired military personnel know that the Senate hears their plea for justice and equity. How we handle this issue will not only send a message to these Americans that correction is on the way, but it will also send the proper message to those on active duty and to those young people who are considering whether or not they want to enter the Armed Forces or whether they want to make a career of the military.

I have heard from recruiters time and time again since I assumed the position as chairman of the Personnel Subcommittee that the most important pool from which to attract military recruits is the children of those who had

careers in the military. When their parents feel betrayed, it becomes increasingly less likely that they are going to make the choice to go into the military themselves. It is important that Congress and the American people demonstrate that we are going to honor our promises to our military personnel.

The Warner-Hutchinson amendment will permit military retirees to be served by the military health care system throughout their lives regardless of age and active duty or retirement status. That is an incredibly huge and important step for this Congress to take. Under our proposal, the current age discrimination will be eliminated. No one will be kicked out of the military health care system just because they turn 65.

Let us not minimize and let us not underestimate the dramatic step of the Warner-Hutchinson proposal: No more age discrimination, no more kicking military retirees out of the health care system and forcing them to leave the doctors and the system with which they have been served for many years and with which they are familiar. Beneficiaries will continue their health care coverage in a system with which they are comfortable and will not be forced to pay the high cost of supplemental insurance premiums to ensure their health care needs are adequately provided. Medicare will pick up what Medicare pays for, and TRICARE will be the supplemental plan to pick up the remainder.

It is a dramatic, important, and positive step and commitment we are making. This initiative will act as a statement of our absolute commitment to the promises made to those who have faithfully served the United States of America in our Armed Forces.

As Senator WARNER stated, improving the military health care system has been the top priority of the Senate Armed Services Committee this year.

Last year, we did the pay raise. Personnel chiefs tell me that has made an enormous difference in their ability to go out and recruit. It has improved morale in the Armed Forces. This is the next big step: Improving the health care system both with the prescription drug component as well as this very major step we are taking for our retired military. Hearings have been held on this issue, and input from retirees has been received and has been heard loud and clear.

Time and again, our extensive review of the situation has highlighted the importance of retiree access to the health care system and to pharmaceuticals, with pharmaceuticals and prescription drugs being the No. 1 concern for retirees. This already addresses the issue of pharmaceutical actions by providing a pharmacy benefit with no enrollment fee for both the retail and mail order programs. On a bipartisan basis, that has been included. It is an important provision with overwhelming support.

The Warner-Hutchinson amendment complements that pharmacy benefit and continues the efforts of the committee to provide a comprehensive solution to the issue of health care for America's deserving military retirees. By adopting this amendment the Defense authorization bill will provide a comprehensive health care benefit for all of our country's military retirees.

As chairman of the Personnel Subcommittee, I am well aware of the other legislative alternatives that have been proposed. There has been a very positive, productive colloquy and debate on the floor on these alternatives. However, I believe strongly that the Warner-Hutchinson amendment provides the most effective and realistic remedy in a fiscally responsible manner. America's military retirees were promised a health care benefit. They served our country and we, as a nation, need to fulfill our duty by honoring the commitments made to them. This amendment does that.

I applaud Senator WARNER and his leadership on this issue, his willingness to take this bold step. I believe this amendment will pass with overwhelming support. I appreciate Senator JOHNSON's continued leadership. I know this will be a debate that continues in the years to come. It should not preclude first taking this step. I urge my colleagues to support this amendment.

I yield the floor.

Mr. JOHNSON. I applaud the work the Senator from Arkansas and the Senator from Virginia have done.

Mr. LEVIN. If the Senator will yield.

Mr. JOHNSON. I certainly yield to the ranking member.

Mr. LEVIN. I assure my friend from Arkansas, when I inquired yesterday about whether or not the amendment of the Senator from Virginia was subject to a point of order, that was the only amendment that was at the desk to which I could make such an inquiry to which the Parliamentarian could respond.

Now that the Johnson amendment is there, I ask the same question: Is the Johnson amendment subject to a point of order?

The PRESIDING OFFICER (Mr. HUTCHINSON). In the opinion of the Parliamentarian, it is.

Mr. LEVIN. While we are on the subject, there is now apparently some indication that there may still be a point of order problem with the Warner amendment which we are trying to assert.

Mr. WARNER. At this time, I will address that issue. In the course of our floor consideration, we frequently ask the CBO for their estimates. They gave me estimates yesterday which they have now revised this morning.

AMENDMENT NO. 3173, AS FURTHER MODIFIED

Mr. WARNER. I ask unanimous consent that the Senator from Virginia may modify his amendment. I have sent to the desk such an amendment, which reduces the year of my amendment from 2004 to 2003.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not, so we are all very clear, because there has been some discussion as to the differences between the two amendments, if this modification is made, the length of time that the Warner provision would be in effect, then, would be the years 2002 and 2003 instead of 2002, 2003, and 2004. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I have no objection. I think it is important everyone understand.

Mr. WARNER. I thank my colleague from Michigan. We all have to rely on these estimates.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3173), as further modified, is as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

''(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

''(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking ''paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,'' and inserting ''subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph''.

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2001''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

(d) ADJUSTMENT FOR BUDGET-RELATED RESTRICTIONS.—Effective on October 1, 2003, section 1086(d)(2) of title 10, United States Code, as amended by subsection (a), is further amended by striking ''in the case of a person under 65 years of age,'' and inserting ''is under 65 years of age and''.

Mr. WARNER. My amendment is now modified so it is not subject to a point of order.

Our distinguished colleague is subject to a point of order, and at an appropriate time he will raise that point of order.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3191

Mr. JOHNSON. Mr. President, I make a clarification relative to my amendment. There may have been some confusion earlier. I wish to make it very clear that under my amendment those who entered the armed services prior to June 7, 1956, would be eligible for Federal employee health benefit plan coverage with the Government paying 100 percent of the premiums. Those who entered the armed services after June 7 of 1956 can choose Federal employee health benefit plans with premiums or TRICARE. I want to make sure that point is very clear.

There has been reference to points of order, and the Senator from Virginia is very correct that a point of order will be raised on my amendment. My amendment does cost more. It does more and it costs more. It is perpetuating. It is not a 2-year commitment.

A point of order, while not taken up lightly, is simply an opportunity to determine whether 60 votes in this body believe the issue at hand is of sufficient importance that it ought to have that first level of concern, that priority.

The question is, Are we going to pass or waive a point of order with 60 votes and invade surplus dollars that otherwise are available for tax cuts or are we going to put our money where our mouth is? Do we have the 60 votes to say we will use those dollars, at least that part of it that is required, that $90 billion out of the $800 billion or so that is available, for this purpose?

One of the things that makes this debate interesting, and the parliamentary process interesting, I don't know if we have the 60 votes to waive the order or not. After all these years of Veterans Day and Memorial Day rhetoric about how important our veterans are, this at last will be an opportunity for every Member of this body to stand up and be counted. Is that rhetorical support or are you willing to put these priorities ahead of other budget priorities, including tax relief? Are you willing to waive the Budget Act and make this happen or not? If you are not, I respect your views. Members can go home and explain that. That is certainly your prerogative.

It is long overdue. We have an opportunity for some accountability for the American public to understand who is willing to truly make this a budget priority and who is not. If you are not, then you have those justifications that you can make. That is what the nature of this is. This is not because it is more costly, that this is an impossible program. It will require 60 votes, assuming that the point of order is raised, rather than the 50 votes of the Senator from Virginia.

It will allow the Senate to make a determination in this body whether these priorities are ahead of other priorities that people have, a thousand other things for which they want to use the budget surpluses. No doubt almost all of them are worthy causes. But is this only one of many, many causes, one that we are going to cut short after only 2 years, and then provide less than the full level of commitment to the promises made to our veterans or is this, in fact, a first priority and we are complying with our promises, albeit belatedly, but a full commitment permanently, and in order to do that invade into surpluses dollars that no doubt other people on both sides of the aisle have other purposes for which they can use the dollars? That is the question with which ultimately we have to contend.

My colleague from New York has come to the floor and has a 1 minute request on an unrelated issue. I ask unanimous consent the Senator from New York be permitted 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, let's have clarified the amount of time remaining under the control of the Senator from South Dakota and the amount of time under my control.

The PRESIDING OFFICER. The Senator from Virginia has 33 minutes. The Senator from South Dakota has 17 minutes.

Mr. WARNER. That is 17 and 33. I say to my friend, I am prepared to yield back a considerable amount of my time because I think our caucuses are about to meet. It is very important. If he would give me some estimate of what he desires, and I will just do basically half that time remaining and do a quick wrapup?

Mr. JOHNSON. Mr. President, I say to the distinguished Senator from Virginia, we have no additional speakers on my side. I agree we ought to expedite this debate at this point, unless the Senator has other speakers to whom I would choose to respond.

Mr. WARNER. No, I am ready.

Mr. JOHNSON. I will be open to conveying back my time.

Mr. WARNER. At this point?

Mr. JOHNSON. Yes.

Mr. WARNER. Fine. Let's clarify one other thing. Senator LEVIN brought up the points of order.

Mr. President, I ask unanimous consent at this time that it be in order for the Senator from Virginia to raise a point of order that the Johnson amendment, No. 3191, violates section 302(F) of the Budget Act, and that would take effect after my vote. Then there would be a point of order, and the Senator could, at this time, ask for the waiver.

Mr. JOHNSON. Mr. President, I move to waive the point of order. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. So at the conclusion of the brief remarks from my colleague, say not more than 2 minutes on my behalf, we then proceed to the votes as they have been ordered previously? That order, of course, is we will vote—I think the Presiding Officer should state the order of votes.

The PRESIDING OFFICER. The first vote will be on the Warner amendment No. 3173, followed by a vote on the waiver of the budget point of order. If the waiver vote is successful, that is to be followed by a vote on the Johnson amendment. If it is not successful, the vote will be on the Warner amendment, No. 3184, followed by a vote on the Kerrey amendment.

Mr. WARNER. I thank the Chair.

Does the Senator have anything further? Otherwise, I will just say two words.

Mr. JOHNSON. It is my understanding, then, the Johnson amendment, the waiver vote on the Johnson amendment, will be the first vote? If that is successful——

The PRESIDING OFFICER. That will be the second vote, following the vote on the Warner amendment.

Mr. JOHNSON. The Warner vote then is the first vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. Followed by the point of order on the Johnson amendment?

The PRESIDING OFFICER. The waiver.

Mr. JOHNSON. Yes. And we would each be permitted 2 minutes apiece at that time, at the time of that vote—that is my understanding—if that is acceptable?

Mr. WARNER. Mr. President, I will follow my colleague with maybe 2 minutes of remarks if he has any concluding remarks before we proceed to the sequence of votes.

Mr. JOHNSON. That is satisfactory.

Mr. WARNER. At this time, you yield such time under your control?

I am prepared to yield my time, reserving a minute and a half.

The PRESIDING OFFICER. Time is yielded back.

Mr. WARNER. I simply say once again I thank the Senator from South Dakota. He has been a leader on this issue. Indeed, his amendment has been widely supported throughout the retirement community.

I have come in with the second-degree simply to say we should take these steps incrementally, one after another. Let us bring the retirees back into the fold of the military health care system. Let us build the infrastructures necessary to take care of them and try that out in the light that only 2,500 ever opted for the Federal program out of 66,000 eligible. Let us try that out for the 2 or 3 years my program would be in effect.

The next President will have to address this situation. The next Congress will address this situation. But we will have made enormous progress if the Senate will adopt the Warner amendment. Indeed, it represents well over two-thirds of the amendment by our distinguished colleague from South Dakota.

The only thing remaining is whether or not we should give both at this point in time, which would double the cost over a 10-year period. It would double

the cost if we gave them the option of the Federal program in addition to what we are giving them under the Warner amendment; namely, now back into the system which has taken care of them for the period of their active duty and that period between the termination of their active duty and retirement up to age 65.

Mr. BYRD. Mr. President, the Senate is making important strides in working to improve health care benefits for our military retirees. A case in point is the Defense Authorization measure before the Senate today, which includes significant improvements in pharmacy benefits for military beneficiaries as well as several demonstration projects intended to evaluate long range health care solutions for military retirees.

But more needs to be done. We recognize that, and we are working to remedy the current situation. Senator WARNER's proposal to permit military retirees aged 64 or older to remain under CHAMPUS and TRICARE by requiring these plans to be secondary payers to Medicare is a good step in the right direction, a responsible step, and I strongly support it.

I also commend Senator JOHNSON for the laudatory goal of his amendment, but absent a plan to pay for such a sweeping reform, I fear that we are getting ahead of ourselves. The Senate has not set aside any money to pay for this proposal, and without a sure source of funding, we are offering our military retirees little more than an empty promise. For this reason, I am opposed to waiving the budget point of order against the Johnson amendment.

The Senate has been moving toward improved medical benefits for all members of the military, active and retired, over the past several years. Health care benefits remain a top priority. Senator WARNER's proposal to provide specific enhanced health benefits for older retirees for a three-year period while continuing to explore, test, and evaluate a long term solution is a prudent course of action. It gives us the opportunity to address the immediate health care needs of military retirees, while also giving Congress needed time to assess the best long-term solution, and to provide the necessary funding for whatever solution we reach.

Mr. DASCHLE. Mr. President, the Senate has just spoken on one of the most important national security issues facing this Nation today—the quality of health care services we provide for those who have so selflessly served this Nation. As pointed out during this debate, we promised millions of Americans lifetime, quality healthcare as partial compensation for their service to this country. Sadly, for far too many of America's veterans, this promise remains unfulfilled.

The amendments just voted on by the Senate represent efforts by their supporters to keep that commitment. These measures adopted a fundamentally different approach toward solving this problem. And although I had some reservations about each, I supported both.

I would like to briefly discuss my reasons for doing so. However, before getting into the specifics of these very different amendments, I would like to commend the efforts of Senators JOHNSON and WARNER. As a result of their hard work, we are much closer than ever before to keeping our health care commitment to this Nation's veterans. They are both to be commended for keeping this issue alive and forcing the Senate to deal with it on the bill currently before us.

Under current law, military retirees under the age of 65 are eligible to enroll in TRICARE Prime or to use TRICARE's insurance programs. Those who use TRICARE's insurance may also seek care at a military treatment facility, MTF, on a space-available basis. Once retirees turn 65, they are no longer eligible to use TRICARE, though they may continue to seek care at an MTF when space is available. The same eligibility rules apply to survivors of veterans. Unfortunately, the shortcomings of the current system are well known to thousands of America's veterans. I receive letters virtually every week describing the failures of TRICARE.

Senator JOHNSON's amendment would address some of these failures and increase health insurance benefits for retirees. Specifically, retirees who entered military service before June 7, 1956 and their spouses would be able to use military health insurance and enroll in the Federal Employees Health Benefits Program, FEHBP. Those enrolling in FEHBP would pay no out-of-pocket premiums. Military retirees who entered the service after June 7, 1956 and their survivors would be eligible for increase coverage regardless of their age. They could either enroll in FEHBP or use TRICARE's insurance program.

Senator JOHNSON's amendment clearly would provide better health care coverage for millions of veterans. My concerns with it are twofold and both are cost-related. First, I am somewhat troubled by the overall cost of this proposal. Although I believe no price is too high to keep our commitment to America's veterans—and Senator JOHNSON's amendment certainly represents a giant step in that direction—I wonder whether there may be a more cost effective means of doing so. Second, I am concerned that for those retirees who entered service after 1956 and who choose FEHBP, the Government would only pick up about 70 percent of the premium. Retirees and their families would be expected to pick up the remaining 30 percent. Depending on the plan chosen, this could represent an annual out-of-pocket expense of $2,000 or more—not an insignificant expenditure for many.

Senator WARNER's amendment also has merit as well as one fundamental flaw. Under the Warner amendment, all Medicare-eligible retirees would be allowed to remain in TRICARE. In other words, TRICARE would be a second-payer to Medicare, covering certain costs above and beyond those covered by Medicare. This change would greatly improve the quality of health care provided to our Nation's veterans. Unfortunately, in order to comply with a flawed Republican budget resolution, Senator WARNER was forced to sunset this new benefit in 2003. In other words, the Warner amendment provides veterans a new health benefit with one hand and, two years later, takes it away with the other.

As I said at the outset, I supported both of these amendments despite the flaws I have just discussed. I did so because I believe it is important we focus on the forest and not the trees and because both of these amendments would bring us closer to keeping this Nation's commitment to its military retirees. And I did so because I believed it was the right thing to do. I commend Senators WARNER and JOHNSON for their work on behalf of our veterans and look forward to working with them to fulfill the promise we made to those who sacrificed so much to serve this Nation.

Mr. KENNEDY. Mr. President, I support the amendment by the distinguished Chairman of the Armed Services Committee, Senator WARNER. It takes the next step toward honoring the promise of lifetime health care for our military retirees. It removes the Title 10 provision that limits eligibility for military health care benefits to retirees under the age of 65.

The amendment expands health care benefits for Medicare-eligible military retirees by removing the age limitation on who qualifies for military health care programs. It gives all military retirees one consistent health care benefit, with TRICARE supplementing Medicare after the retiree reaches the age of 65. This is the right thing to do for our retirees.

I also support the amendment offered by Senator JOHNSON. It corrects an inconsistency in access to the Federal Employees Health Benefits Program. Currently, our retired service members do not have the opportunity to participate in this program. While the out-of-pocket costs for some health plans offered under FEHBP may make this approach less attractive to senior military retirees, they should be given the option to join. Again, this is only fair. One, consistent health care program for all beneficiaries makes sense and is the right thing to do.

I commend Senator WARNER and Senator JOHNSON for their leadership in this important area. I support their amendments, and I urge my colleagues to approve them.

This year is, indeed, the Defense Department's ''Year of Health Care!'' In the Armed Services Committee, we began the year considering how to improve health care for active duty service members and their families, and to address the well-documented health

care needs of military retirees, especially those over the age of 65.

The Administration's budget request was a major positive step for active duty service members and their families. It proposed to expand TRICARE Prime to the families of service members who live far from military hospitals. It also proposed to eliminate the co-payments by active duty service members' families for medical care by civilian health care providers in TRICARE Prime.

We heard testimony from Secretary Cohen, General Shelton, the Service Secretaries, and each of the Service Chiefs, that the availability of health care for senior military retirees is a serious problem. They are conducting a variety of TRICARE demonstration programs to find the best way to address it. We also heard from retirees and the organizations that represent them that the problem is urgent, and that Congress needs to act now.

A promise of lifetime health care was made to our service members at the time of their enlistment. We have an obligation to meet that commitment. It is wrong that service men and women who have dedicated their lives serving and defending our country should lose their military health care benefits when they reach the age of 65. We must fix this injustice, and we must do it now.

The pending DOD Authorization Bill takes a first step towards honoring this promise by giving military retirees a retail and mail-order pharmacy benefit. Almost a third of them already have this benefit. 450,000 military retirees over the age of 65 have a pharmacy benefit under the base closing agreement. It provides a 90-day supply of prescription drugs by mail for an $8 co-payment, or a 30 day supply of prescription drugs from a retail pharmacy network for a 20 percent co-payment. The pending Defense Authorization Bill expands this benefit to all 1.4 million Medicare-eligible retirees. It makes sense, and it is fair that all military retirees over 65 have the pharmacy benefit, not just those affected by the base closing process.

This pharmacy benefit addresses one of the most important concerns of the military retiree community—the high cost of prescription drugs.

All of us are pleased that the Senate is taking this step to make good on our promise of health care to military retirees. But we should not forget the millions of other senior citizens who need help with prescription drugs too.

It's long past time for Congress to mend another broken promise the broken promise of Medicare. Medicare is a guarantee of affordable health care for America's senior and disabled citizens. But that promise is being broken every day because Medicare does not cover prescription drugs. It is time to keep that promise.

When Medicare was enacted in 1965, only three percent of private insurance policies offered prescription drug coverage. Today, ninety-nine percent of employment-based health insurance policies provide prescription drug coverage—but Medicare is caught in a 35-year-old time warp.

Fourteen million elderly and disabled Medicare beneficiaries—one-third of the total have no prescription drug coverage today. The most recent data indicate that only half of all senior citizens have drug coverage throughout the entire year.

The only senior citizens who have stable, secure, affordable drug coverage today are the very poor, who are on Medicaid. The idea that only the impoverished elderly should qualify for needed hospital and doctor care was rejected when Medicare was enacted. Republicans say they want to give prescription drugs only to the poor. But senior citizens want Medicare, not welfare.

Too many seniors today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses.

Too many seniors take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they cannot afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or cannot afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases. But millions of Medicare beneficiaries will be left out and left behind if Congress fails to act. In 1998 alone, private industry spent more than $21 billion in conducting research on new medicines and bringing them to the public. These miracle drugs save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery.

All patients deserve affordable access to these medications. Yet, Medicare, which is the nation's largest insurer, does not cover outpatient prescription drugs, and senior citizens and persons with disabilities pay a heavy price for this glaring omission.

The ongoing revolution in health care makes prescription drug coverage more essential now than ever. Coverage of prescription drugs under Medicare is as essential today as was coverage of hospital and doctor care in 1965, when Medicare was enacted. Senior citizens need that help—and they need it now.

So I say to my colleagues—while we are making good on broken promises, it's long past time to cover prescription drugs under Medicare for all elderly Americans. If we can cover military retirees, we can cover other senior citizens too.

Elderly Americans need and deserve prescription drug coverage under Medicare. Any senior citizen will tell you that—and so will their children and grandchildren. It is time to make this need a priority as well.

Mr. MCCAIN. Mr. President, I rise today to voice my support for the need for responsible military health care reform.

There is a critical need for real military health care reform. I am concerned that if this amendment passes today, that this body, as well as the lower chamber, will wipe their hands of this problem and move on to other issues. Our servicemembers past, present, and future deserve a world class military health care delivery system, and the Congress should accept no less.

When the defense bill before us today came out of committee, I voted against it for several reasons. One of the most pressing reasons was that the health care legislation included in the defense authorization bill did not address the broken ''promise'' of lifetime medical care, especially for those over age 65. Voting for its passage would have been an abrogation of my responsibility as a Senator to let our declining military health care system continue without a responsible legislative remedy.

One of the areas of greatest concern among military retirees and their families is the ''broken promise'' of lifetime medical care, especially for those over age 65. While the Committee included some key health care provisions, they failed to meet what I think is the most important requirement, the restoration of this broken promise.

This week, we recognize the anniversary of the invasion of the European continent to free hundreds of millions of people from the grasp of a tyrannical dictator. Our servicemembers have served courageously in Korea, Vietnam, the Persian Gulf, and other locations throughout the world. We owe our servicemembers, past, present, and future a health care delivery system that adequately supports those who have served with honor and courage throughout the years.

Today, our military health care delivery system is facing some very difficult and costly challenges. One of these is how best to reconfigure the military health care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for the armed forces. In the process of deciding how to proceed, I have met with and heard from many military family members, veterans and military retirees from around the country. I have been inundated with suggestions for reform.

In every meeting and in every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—with long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care for military retirees and their spouses. I heard these

concerns expressed as I have traveled across the United States over the past year. I was proud to introduce S. 2013, the Honoring Health Care Commitments to Service Members Past and Present Act of 2000.

S. 2013 was drafted with the help of the Military Coalition and the National Military and Veterans Alliance. The Military Coalition has strongly endorsed S. 2013, stating, ''We applaud your leadership in introducing comprehensive legislation aimed at correcting serious inequities in the military health care benefit.'' I am proud of the work on S. 2013, and I was prepared to re-introduce key provisions of this bill as an amendment to the defense authorization bill.

However, the Warner amendment, and the more comprehensive Johnson, Coverdell, and McCain amendment, are coming up for a vote today, and I would like to comment on their attributes and my concerns.

I would like to commend my colleagues, Senators JOHNSON and COVERDELL, whose amendment fully restores the ''broken promise'' to our military retirees and their families. I am proud to be an original cosponsor of this amendment, as well as their companion bill, S. 2003.

This amendment fully restores the ''broken promise'' by providing free military medical health care to military retirees and their spouses. I am a strong proponent of this amendment, because it gives the retirees what they were promised, military medical health care for life. This health care would be provided through the Federal Employees Health Benefits Program (FEHBP). I urge my colleagues to vote for this amendment. Our service members deserve our support, and we have an obligation not to renege on a promise made to them many years ago.

As I have mentioned, I was prepared to offer an amendment today—a version of S. 2013—that builds on the limited health care improvements provided in the defense authorization bill. However, I have decided to withhold my amendment at this time to fully support the Johnson amendment, as well as vote for the Warner amendment. The Warner amendment provides a substantial increase in the health care benefit provided to over-65 military retirees and their families that current law and the Armed Services Committee-reported bill, S. 2549, have failed to address. The Warner amendment is not a perfect solution, but it is a step in the right direction.

Mr. President, I commend my colleagues for their efforts to address many of these important military health care challenges. Not lost on any of us is the urgent need to address the over-age-65 issue, since there are reportedly 4,000 World War II, Korean and Vietnam War-era military retirees dying every month. It is imperative that as changes are made to our nation's armed forces, Congress not only stay focused on bringing health care costs under control, but that steps be taken to retain the health care coverage so critical to our nation's active duty personnel, their families, retirees, and survivors.

Make no mistake, retiree health care is a readiness issue as well. Today's servicemembers are acutely aware of retirees' disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave service. In fact, a recent GAO study found that ''access to medical and dental care in retirement'' was a significant source of dissatisfaction among active duty officers in retention-critical specialties.

Mr. President, this year will be, in the words of the Joint Chiefs, the year of health care reform. Whether we are successful or not will depend on several factors: Congress' ability to realize real health care reform and provide the necessary resources, the Pentagon's ability to work with private industry to control costs on pharmaceuticals and health insurance plans, and the military retirees who utilize the system coming together and galvanizing support for the future of military health care.

VOTE ON AMENDMENT NO. 3173, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3173, as further modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—96

Abraham	Collins	Hagel
Akaka	Conrad	Hatch
Allard	Coverdell	Helms
Ashcroft	Craig	Hollings
Baucus	Daschle	Hutchinson
Bayh	DeWine	Hutchison
Bennett	Dodd	Inhofe
Biden	Dorgan	Inouye
Bingaman	Durbin	Jeffords
Bond	Edwards	Johnson
Boxer	Enzi	Kennedy
Breaux	Feingold	Kerry
Brownback	Feinstein	Kohl
Bryan	Fitzgerald	Kyl
Bunning	Frist	Landrieu
Burns	Gorton	Lautenberg
Byrd	Graham	Leahy
Campbell	Gramm	Levin
Chafee, L.	Grams	Lieberman
Cleland	Grassley	Lincoln
Cochran	Gregg	Lott
Lugar	Robb	Snowe
Mack	Roberts	Specter
McCain	Rockefeller	Stevens
McConnell	Roth	Thomas
Mikulski	Santorum	Thompson
Moynihan	Sarbanes	Thurmond
Murkowski	Schumer	Torricelli
Murray	Sessions	Voinovich
Nickles	Shelby	Warner
Reed	Smith (NH)	Wellstone
Reid	Smith (OR)	Wyden

NAYS—1

Kerrey

NOT VOTING—3

Crapo	Domenici	Harkin

The amendment (No. 3173), as further modified, was agreed to.

Mr. COVERDELL. Mr. President, the Senate just conducted two very significant and unprecedented votes—unprecedented in the respect that, as the good chairman of the Senate Armed Services committee has pointed out, this is the first time that the Congress has taken steps to provide health care equity for our Nation's military retirees. This effort was not led by the White House. It was led by Congress and by military retirees across the country.

I have been deeply involved in this issue for many years now. As my colleagues know, I am the lead cosponsor of S. 2003, Senator JOHNSON's bill to restore the broken promise of lifetime health care made to military retirees. The mere presence of this bill, as Chairman WARNER noted, drove the debate on military retiree health care this year and moved us to the point where we are today—on the verge of enacting the first comprehensive solution to the military retiree health care issue. This is a matter of fairness for military retirees, but our goal must be accomplished without destroying the fiscal discipline that has made this day possible.

As a result, even though I am the lead cosponsor of S. 2003 and fully support its objectives, I could not vote to waive the budget point of order raised against the amendment today. The Senate has budget rules that must be protected if we want to ensure, year-in and year-out, that all of the Nation's priorities are fairly and appropriately funded. These are the fiscal rules of the road that have enabled us to balance the budget, to create unprecedented surpluses for the first time in decades, and to contemplate any funding for a military health care proposal such as this. Once the rules are broken, fiscal discipline will evaporate. Deserving long-term priorities would be pitted against the politically popular causes of the moment in a rush to tap the surplus dollars first.

We must also remember that we are working with the fourth consecutive balanced budget that protects Social Security—a tremendous exercise in fiscal restraint that the Senate must not abandon. Preserving Social Security has been a priority for the American people for a long time and it took the Congress many years to make it a reality. If we begin our fiscal work by

eviscerating the budget rules, we will put the Social Security surplus and the retirement benefits for millions of senators at great risk.

I could have taken the politically expedient route, the easy route by casting my vote to waive the budget rules. But that vote would not have changed the outcome or brought us closer to passage of S. 2003. Had the motion to waive the budget rules prevailed, it would have set a dangerous precedent and ultimately would make it more difficult to protect the funding needed to restore the broken promise. My vote today to preserve the budget rules, notwithstanding my strong support for military retirees, represents my view that the work of the Nation must move forward and that it will not unless the Senate works responsibly within the budget process in order to balance competing demands for funding.

There is no doubt in my mind that the gains on this issue today would not have been achieved without the introduction of S. 2003. At the beginning of this Congress, we were at ground-zero on this issue—the same place as in every previous Congress. We made headway this year in the Armed Services Committee and with our colleagues on the Budget Committee. Today, Senator WARNER's amendment, while not everything we wanted, did take an important step forward by giving military retirees one part of what they deserve—the ability to keep their military health benefits when they reach Medicare eligible age. I believe the Senate has demonstrated a new found commitment to our Nation's military retirees and I look forward to continuing our work to restore the broken promise in full.

AMENDMENT NO. 3191

Mr. WARNER. We are ready for the vote on a point of order.

I ask unanimous consent, on behalf of the two leaders, that the next two votes be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

There will be 2 minutes of debate equally divided.

Mr. WARNER. Mr. President, a point of order has been raised on the amendment of the Senator from South Dakota. I would like to have Senator GRAMM of Texas recognized to argue that point of order and that his name replace my name on having made it. He is on the Budget Committee. I simply made it on behalf of the Budget Committee. He makes it in his own right, my name to be deleted.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me remind everyone that 4 years ago we moved to begin to correct an injustice in military medicine, and the injustice was that if you served in the military for 20 or more years, you received a commitment, at least in your mind and I believe in reality, that you and your dependents would have access to military medicine for the rest of your life. When Medicare came in and the federal government started making the military pay Medicare payroll taxes, it stopped allowing retirees over 64 to use military medicine. That was a breach of faith. Then we started an experiment 4 years ago to allow them to use their Medicare coverage to obtain treatment at base hospitals again. The Warner amendment we just adopted will allow people who served a career in the military to get treatment at base hospitals from military doctors, and have Medicare pay the cost. It is a good idea and I strongly support it.

Now, Senator JOHNSON has offered an amendment that on its face has merit, and that is to put military retirees into FEHBP. Maybe in the long run that is the answer to the problem. But the problem with Senator JOHNSON's amendment today is that it busts the budget by $92 billion. So I urge my colleagues, whether they support the FEHBP solution or not, to not bust the budget today. Let's stand with the taxpayers today, and let's also complete the Medicare subvention experiment, and let's take up Senator JOHNSON's proposal when we know how to pay for it. I thank the chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I join Senator MCCAIN and the other cosponsors in support of this legislation. We have a fundamental question before us, and that is whether the military retirees of this Nation deserve to have the same kind of health care system that Members of this body have, or other Federal employees, through the Federal Employees Health Benefits Plan. That is the amendment that the military retiree organizations are asking to have and we can, once and for all, be done with the question about whether we are going to live up to our commitment to our military personnel in terms of the medical care that they were promised and which they deserve.

I think there is an across-the-board agreement in this body that if we are truly going to live up to this obligation, this legislation is what we have to pass. It would involve a waiver, and the fundamental question we have, then, is whether we have 60 votes in this body to get into the surplus dollars, or whether those surplus dollars will remain available for tax cuts and other purposes.

If you believe that military health care is a first priority, ought to come first, rather than the crumbs that come after we have made other budget decisions, you will support the Johnson-McCain amendment.

Mr. WARNER. Mr. President, we had a very good debate on this. I see it slightly different. What we are doing in the Johnson amendment is giving two health care programs to military retirees. We are giving them the military health care program and then asking the taxpayers to add on the tax burdens of the Federal program. So it is not the same as we get; we do not get the military program. I have to correct the Senator. There are two systems if you vote for that. That is why his is $90 billion over 10 years versus the Warner amendment, which is $40 billion.

Mr. JOHNSON. Mr. President, given Senator WARNER's observation, I ask unanimous consent for 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Saying our military retirees would beat a path to the Federal system offering TRICARE as an alternative—frankly, that is an unpopular option. This Johnson amendment is what the military retirees want and deserve.

Mr. GRAMM. Mr. President, the issue before us is whether we are going to waive the budget point of order. I insist on the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Buget Act. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—52

Abraham	Edwards	Moynihan
Akaka	Feinstein	Murray
Ashcroft	Gorton	Reid
Bayh	Grams	Robb
Bennett	Harkin	Rockefeller
Biden	Hatch	Roth
Bingaman	Hollings	Santorum
Boxer	Jeffords	Sarbanes
Breaux	Johnson	Schumer
Bryan	Kennedy	Shelby
Burns	Kerry	Smith (NH)
Cleland	Kohl	Snowe
Collins	Landrieu	Thomas
Conrad	Leahy	Torricelli
Daschle	Lieberman	Wellstone
DeWine	Lincoln	Wyden
Dorgan	McCain	
Durbin	Mikulski	

NAYS—46

Allard	Graham	Mack
Baucus	Gramm	McConnell
Bond	Grassley	Murkowski
Brownback	Gregg	Nickles
Bunning	Hagel	Reed
Byrd	Helms	Roberts
Campbell	Hutchinson	Sessions
Chafee, L.	Hutchison	Smith (OR)
Cochran	Inhofe	Specter
Coverdell	Inouye	Stevens
Craig	Kerrey	Thompson
Dodd	Kyl	Thurmond
Enzi	Lautenberg	Voinovich
Feingold	Levin	Warner
Fitzgerald	Lott	
Frist	Lugar	

NOT VOTING—2

Crapo	Domenici

The PRESIDING OFFICER. On this question, the yeas are 52 and the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained.

Mr. GRAMM. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. It is my understanding we are now to turn to the amendment by the distinguished Senator from Nevada, Mr. REID, after the next two votes.

The PRESIDING OFFICER. There are 2 minutes equally divided on the amendment of the Senator from Virginia.

Mr. WARNER. Following that, after the two votes, if two votes are necessary, the Senator from Nevada is recognized.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. After the amendments of the Senator from Nevada are disposed of, I ask unanimous consent to be recognized as the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3184

Mr. WARNER. Mr. President, for 5 consecutive years, the Senate has put language into law with the President's signature reserving these numbers, which the distinguished Senator from Nebraska now wishes to strike from 5 years of consecutive law signed by the President.

The Warner amendment simply says that the President, whether it be President Clinton or the next President, should follow a very careful procedure before changing the numbers, of strategic systems; namely, to do a QDR process which takes into consideration not only the strategic weapons but the conventional weapons and then do an updated posture statement regarding exclusively the strategic.

Those are prudent steps that should be taken. In essence, this Chamber recognized that in the 5 consecutive years we have kept this language in.

Given the nyet—no, no, no—that our President received in Moscow on the ABM issue, he may well need the leverage given by the 5 consecutive years of law. My amendment gives the President the right of waiver, but it imposes on him the need to take a prudent managerial course of action before any decision is made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, with great respect to the Senator from Virginia, both the underlying law and his amendment push the President in the wrong direction. Both Russia and the United States have more nuclear weapons than we need. This has been studied to death. There are plenty of studies, plenty of reviews, plenty of evaluation. Gov. George W. Bush, with Henry Kissinger, with George Shultz, with Brent Scowcroft, and with Colin Powell, has it right. It requires new thinking. We will not only be pushing President Clinton in the wrong direction, but if Governor Bush wins, we push him in the wrong direction. We are forcing the Russians to maintain nuclear weapons in excess of what they can control. As a consequence, we are increasing the risk, threat, and danger to the people of the United States of America.

I urge my colleagues, in as strong a language as possible, to vote against the Warner amendment.

The PRESIDING OFFICER. All time has expired. The yeas and nays have not been ordered on the amendment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3184.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 51, nays 47, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—51

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Conrad	Inhofe	Stevens
Coverdell	Kyl	Thomas
Craig	Lott	Thompson
DeWine	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner

NAYS—47

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Daschle	Kohl	Smith (OR)
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NOT VOTING—2

Crapo	Domenici

The amendment (No. 3184) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. L. CHAFEE). The question is on the underlying amendment, as amended. The yeas and nays have been ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3183) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we have worked out, hopefully, a mutually agreed upon unanimous consent request. I will slowly propound it.

I ask unanimous consent that the previous order for Senator WARNER to be recognized to offer an amendment on working capital be laid aside to recur following the disposition of the BRAC amendment.

I further ask that on the Reid amendment, it be limited to 1 hour, with 45 minutes under the control of Senator REID and 15 minutes under the control of Senator WARNER, and no second-degree amendment in order prior to the vote in relation to the amendment.

I further ask consent that following the disposition of the Reid issue, Senator KENNEDY be recognized to offer his HMO amendment, and that there be 2 hours equally divided prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

I further ask that following the disposition of the Kennedy issue, Senators MCCAIN/LEVIN be recognized to offer their amendment, re: BRAC, on which there will be 2 hours equally divided, under the same terms as outlined above; namely, an hour under the control of Senators MCCAIN and LEVIN, and 1 hour under the control of Senator WARNER.

I further ask that following the disposition of the Warner amendment, Senator WELLSTONE be recognized to offer his amendment, re: Child soldiers, on which there will be 30 minutes equally divided in the usual form and under the same terms as outlined above.

I further ask consent that during the debate today or tomorrow, the following Members be recognized for debate only: JOHN KERRY for up to 60 minutes and Senator FEINGOLD for up to 12 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I appreciate the distinguished chairman and his interest in accommodating the many colleagues who want to offer amendments. I think we are almost there. I don't think we are quite able to reach agreement yet on this side. I wonder if it would be appropriate, given the fact that we could not yet agree to that sequencing, if we might proceed with the amendment to be offered by the Senator from Nevada, and while that amendment was being considered, address the other parts of the unanimous

consent request just propounded by the Senator from Virginia. If he would be interested in pursuing that approach, we might be able to find some final resolution to the other elements of the proposal he suggested.

Mr. WARNER. Mr. President, I certainly respect the contribution by our distinguished minority leader. I don't have any other recourse.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, the other side has advised Senator WARNER that the unanimous consent can be accepted provided that paragraph 3 relating to Senator KENNEDY be taken out. I agree to that.

Mr. LEVIN. Mr. President, reserving the right to object—I will not—we agreed that Senator KENNEDY would have an amendment or amendments sequenced at a later time.

Mr. WARNER. That is correct.

Mr. BIDEN. Mr. President, reserving the right to object—I am not sure I will—I ask for a continuation of the quorum call for another 3 minutes, if I may. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I again propound the amended unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3198

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself and Mr. INOUYE, Ms. LANDRIEU, Mr. JOHNSON, Mr. DASCHLE, Mr. MCCAIN, Mr. DORGAN, and Mr. BRYAN, proposes an amendment numbered 3198.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION FOR RETIRED MEMBERS WITH SERVICE-CONNECTED DISABILITIES.

(a) CONCURRENT PAYMENT.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of paragraph (1) and section 5305 of this title, compensation under chapter 11 of this title may be paid to a person entitled to receive retired or retirement pay described in such section 5305 concurrently with such person's receipt of such retired or retirement pay.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and apply with respect to payments of compensation for months beginning on or after that date.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendment made by subsection (a) for any period before the effective date of this Act as specified in subsection (b).

Mr. REID. Mr. President, 109 years ago, for reasons no one can quite understand, a law was passed that prevented someone who had a service-connected disability from drawing disability at the time they were drawing retirement pay from the U.S. military.

If someone is injured, for example, in combat, they are eligible for a disability pension. If they have military service for 20 or 30 years, they are eligible for retirement. But under a quirk in the law that has been around for 109 years—let's assume the disability is $200 a month, and the retirement is $500 a month—the person who has been injured in combat must either waive his entire disability or take $200 from retirement to receive the $200 of disability.

To say the least, this is certainly not an incentive for someone to stay in the military, in addition to its basic unfairness. For example, someone can retire from the Forest Service or the Department of Energy or the Department of Treasury —any executive office—and have a disability from the military. They could draw both retirements. But if you retire from the military, you can't. Certainly this is a nonincentive to stay in the military.

If an individual leaves the military and begins a career in the executive branch, that person may receive both entitlements, but not if they choose to serve our country in the U.S. military.

It seems unusual to me at a time when the military is having difficulty retaining personnel. This is, to say the least, ridiculous. This amendment will encourage improvement and retention for armed services.

This bill has been introduced in its substantive form in this body. There is a similar measure in the House of Representatives that has approximately 250 sponsors.

In effect, this amendment will permit retired members of the armed services who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

The original law was passed in 1891 to prohibit concurrent receipt. It is time we eliminate this unfair law that has been an injustice for 109 years. This law discriminates against military men and women who decide to serve their country as a career, whereas a civil service retiree's pension may be received in its total in addition to the disability from the U.S. military.

Totally unfair.

This discriminates unfairly against disabled career soldiers. In effect, they must pay their own disability as a result of this quirk in the law. Military retirement pay and disability compensation are earned and awarded for entirely different purposes: One is for having served your country for a specific period of time; the other is for having been injured while you were a member of the U.S. military.

Retirement with service disability compensation for injury incurred in the line of duty certainly is deserved. This amendment represents an honest attempt to correct an injustice that existed for far too long. It affects approximately 437,000 disabled military men and women. Each day, this great country of ours loses 1,000 patriots who served as military combatants in World War II. Every day, there are 1,000 deaths of World War II veterans. Each day we delay the passage of this legislation, thousands of men and women are denied their benefits.

Some say this is too expensive. I say no amount of money can equal the sacrifices these military men and women have made. Yesterday, in this Senate, STROM THURMOND, who is approaching 100 years of age, spoke eloquently of his feelings about World War II. Following his statement, Senator DURBIN of Illinois gave a very compelling statement regarding STROM THURMOND. STROM THURMOND is an example of the sacrifices people made in World War II. Even though he was over the age where people would normally go into the armed services, he went into the armed services as a combat military man and, in a glider, went into Europe where he was injured and still suffers some disability from his injuries.

In this Chamber there are many others who sacrificed significantly as a result of World War II: Senator DAN INOUYE, who I am happy to say is going to receive a Congressional Medal of Honor for his valiant service in Italy; Senator FRITZ HOLLINGS served valiantly in World War II; Senator WARNER served toward the end of World War II, as he stated on the floor today. This amendment recognizes the people who served in World War II, the Korean conflict, Vietnam, and the other skirmishes we have had since then. People who have been injured and have service-connected disability who have been able to finish their full term in the U.S. military deserve both benefits. That is what this amendment is all about.

Recently, the Congressional Budget Office reported a budget surplus of about $160 billion. A few of those dollars should be used to take care of this

anomaly in the law. The best use of the budget surplus is to support this concurrent receipt legislation. Our veterans earned this. Now is our chance to honor their service to our Nation. It comes a little late for many of these service-connected veterans.

This amendment is supported by veteran service organizations: the Disabled Veterans, the American Legion, and the Paralyzed Veterans of America.

The interesting thing about this law that prevents this concurrent receipt now is that nobody knows why it originally was passed. There is a lot of conjecture. Maybe it was to relate to the fact that we didn't have large standing armies in 1891; maybe it was that only a small portion of what we did have in the military consisted of career soldiers. We don't know. What we know now, 109 years later, is it is unfair. It is unfair that a person who served this country, was discharged honorably, and has a service-connected disability, can't draw both benefits. That is what this amendment does.

The present law discriminates against career military men and women, when you consider when they retire from some other branch of our Government they can draw both benefits.

I respectfully request of the managers of this legislation that this amendment be accepted. I am happy to have a vote, if that is what is required. I think if there were ever an example of where we should send this to the House by unanimous vote, this is it. This is fair. This amendment is supported by many veterans organizations; to name only a few, the Disabled American Veterans, American Legion, and Paralyzed Veterans of America. They and the American public deserve to have this injustice corrected.

I yield the floor.

How much of the 45 minutes have I used?

The PRESIDING OFFICER. The Senator from Nevada used 9 minutes and 20 seconds of the 45 minutes.

Mr. WARNER. Mr. President, the amendment by the distinguished minority whip, the Senator from Nevada, is one I intend, as manager of the bill, to accept because it has in it some provisions we have studied for many years. I think it is important we study it in the context of the conference. I am strongly in favor of a number of the concepts the Senator has raised.

At the appropriate time I will indicate the acceptance of the measure.

Mr. REID. If I could ask the Senator, would it be appropriate, then, if the Senator accepts my amendment, that following accepting this amendment, the Senator from Wisconsin have 12 minutes and the Senator from New Jersey have 10 minutes?

Mr. WARNER. Fine. If I might inquire, for the purpose of addressing the Senate—not for putting in an amendment?

Mr. REID. For debate.

Mr. WARNER. It is 12 minutes and 10 minutes. That falls within the period the Senator has reserved. We will put that in the form of a unanimous consent request.

I thank the Senator for reference to those who served in World War II. I don't want to put myself in any category of the heroism displayed by Senator INOUYE. I was a simple sailor serving in training command, waiting for the invasion of Japan. I always want to be careful.

Mr. REID. I only say to my friend, we are all aware of the work the Senator has done and the love the Senator has for the military, having been one of our Secretaries.

Yesterday was a very moving day, to see our President pro tempore step down here and speak with the strong voice that he has, recognizing the sacrifices made by others. He didn't, of course, mention his own name, but he is an example of what has made our country great.

Mr. WARNER. I thank the Senator for that reference to Senator THURMOND. Indeed, he crossed the beaches in a glider and crashed and was wounded. He got out and took right on his duties.

Also, late last night, Senator CARL LEVIN and I put in an amendment which was accepted, was cosponsored by all the veterans of World War II who are now in the Senate, some eight or nine, and it provided $6 million toward the memorial that is being constructed on The Mall.

Earlier that day, our former distinguished majority leader and colleague, Robert Dole, accepted a $14.5 million contribution. Together with the $6 million of the Senate, and my understanding from Senator Dole, with whom I spoke late last night, that brings within completion the budget they had for design, construction, and otherwise for that memorial.

It was a historic day.

Mr. REID. I ask unanimous consent, following the acceptance of my amendment, the Senator from Wisconsin, Mr. FEINGOLD, be recognized for 12 minutes on general discussion, not to offer an amendment; following that statement, the Senator from New Jersey, Mr. TORRICELLI, be recognized for 10 minutes to speak on an unrelated subject and not to offer an amendment.

Mr. WARNER. Reserving the right to object, and I will not object, I want to advise Senators that was in the timeframe allocated to the distinguished Senator from Nevada for the purpose of his amendment. That is how this time was freed up. Otherwise, Senator LEVIN and I are anxious to keep this bill moving.

Following presentations by two distinguished colleagues, we should proceed, then, to the McCain-Levin amendment on base closure.

Mr. REID. I say to my friend, he is absolutely right. The only reason we are doing it this way is just to make the process a little more orderly.

Mr. WARNER. I understand that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Has my amendment been accepted then?

Mr. WARNER. I urge adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3198) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE ZIMBABWE DEMOCRACY ACT OF 2000

Mr. FEINGOLD. Mr. President, I rise today to speak in favor of the Zimbabwe Democracy Act of 2000. I am very pleased to join my colleague, Senator FRIST, in cosponsoring this legislation and sending an unambiguous signal to the current government of Zimbabwe that the international community will not passively stand aside while that country's great promise is squandered; the United States will not remain silent while the rule of law is undermined by the very government charged with protecting a legal order; this Congress will not accept the deliberate dismantling of justice and security and stability in Zimbabwe.

Since the ruling party lost the outcome of a February referendum, in which voters rejected a new constitution which would have granted President Robert Mugabe sweeping powers, a terrible campaign of violence has gripped the country. Veterans of Zimbabwe's independence struggle and supporters of the ruling party have invaded a number of farms owned by white Zimbabweans. When the courts ordered the police to evict the invaders, President Mugabe explicitly continued to support the invasions, and called on the police force to ignore the court. Predictably, confusion and violence have ensued, and the rule of law, the basic protections upon which people around the world stake their safety and the safety of their families, has been seriously eroded.

This is not a race war. Let me repeat that—this is not a race war. Race is not the critical issue in Zimbabwe today. And no one need take my word for that. One need only look at the facts on the ground. One need only observe the disturbing frequency with which members of the opposition have been the targets of violence. It is the Movement for Democratic Change, an opposition party that has been rapidly gaining the support of the disillusioned electorate, that is the real target of President Mugabe's campaign. It is the electorate that rejected the ruling party's proposed constitution that is suffering, and this is not unprecedented. In the early 1980s, supporters of a rival political faction were brutally slaughtered in Matabeleland—a dark period

in the young country's history for which there is still not a satisfying public account. So we must not be intimidated by the scape-goating of the power-hungry. Once there was a struggle against a terrible system of oppression, grounded in racial discrimination, in the country now called Zimbabwe. But that is not the heart of the matter today.

Nor is this crisis really about land tenure reform, although there is no question at all that land tenure reform is desperately needed and long overdue in Zimbabwe. But the government's past efforts at land reform have too often involved distributing land to key supporters of the ruling party, not the landless and truly needy. Fundamentally, land reform is about improving quality of life for the people of Zimbabwe—something that is utterly undermined by the violent tactics of the ruling party today.

So while this is not about race and it is not, at its core, about land, what this is about is an increasingly discredited President, who, watching his legacy turn increasingly into a source of shame rather than celebration, has hatched a desperate campaign to cling to power, even though this campaign, if successful, would render him the leader of an utterly broken country. Runaway government spending has led to high inflation and unemployment. Corruption infects the state. And, at this time of economic strain and hardship, the Government of Zimbabwe is spending over $1.5 million a month on its participation in the Congo conflict.

The Zimbabwe Democracy Act indicates that the U.S. will have no part of the terrible campaign of violence now compounding Zimbabwe's troubles. The bill suspends U.S. assistance to Zimbabwe while carving out important exceptions—humanitarian relief, food or medical assistance provided to non-governmental organizations for humanitarian purposes, programs which support democratic governance and the rule of law, and technical assistance relating to ongoing land reform programs outside the auspices of the government of Zimbabwe. And it articulates clear conditions for ending this suspension of assistance—including a return to the rule of law, free and fair parliamentary and presidential elections, and a demonstrated commitment on the part of the Government of Zimbabwe to an equitable, legal, and transparent land reform program.

The bill also offers assistance to the remarkable forces working within Zimbabwe in support of the rule of law, in support of democracy, and in support of basic human rights for all of Zimbabwe's citizens. It establishes a fund to finance the legal expenses for individuals and institutions challenging restrictions on free speech in Zimbabwe, where the latest campaign has also included a media crackdown. The fund would also support individuals and democratic institutions who have accrued costs or penalties in the pursuit of elective office or democratic reform.

I had the chance to be in Zimbabwe in December, and I do not believe that I have ever encountered a more dynamic, committed, and genuinely inspiring group of civil society leaders than the group I met in Harare a few months ago. These forces must not be abandoned in Zimbabwe's time of crisis.

And, very responsibly, this legislation recognizes that Zimbabwe will need the assistance of the international community when it seeks to rebuild once the crisis has passed. It authorizes support for ongoing, legally governed land tenure reforms, and authorizes an innovative approach to facilitating the development of commercial projects in Zimbabwe and the region.

I urge my colleagues to support this legislation, and I commend Senator FRIST and his staff for their efforts on this matter. Right now a country of great promise and a people of tremendous potential are enduring a terrible campaign of lawlessness and oppression. Right now, one of the most important states on the African continent, economically and politically, is in crisis. To write off Zimbabwe, to lose this opportunity to speak and act on the matter, would be a terrible mistake.

States descend into utter chaos in stages. Let us move to arrest Zimbabwe's descent today, not next year, when the problems will be more complex and more deeply entrenched, and not after 5 years of crisis, when Afro-pessimists will undoubtedly ignore the country's proud history and cynically assert that Zimbabwe cannot be salvaged. Let us be far-sighted, let us act now, pass this legislation, and stand firmly behind the forces of law, of democracy, and of justice in Zimbabwe.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, this Senate has been engaged in more than a decade of discussion about reforming the campaign finance system in the United States. Indeed, the Senate has not only debated the issue but has focused attention on McCain-Feingold, attention that brought about a national debate about how to change this system. The Senate may be on the verge of yet another discussion in the coming days.

I take the floor today because, while I praise Senator MCCAIN and Senator FEINGOLD and, indeed, once again pledge my vote for their reform legislation, I believe it is a disservice for the Senate to believe there are no other contributions that can be made to solving the campaign finance dilemma.

McCain-Feingold, and the former comprehensive legislation, would be the best answer. It is not the only answer. There are a variety of very real problems to enacting this legislation that begin with legitimate constitutional problems, decisions by the Federal courts, legitimate differences on philosophical questions about how to conduct elections in America, and some real political problems. The reality is that whether I believe in McCain-Feingold or not, whether the entire Democratic caucus votes for it or not, it is not going to be enacted. That leads many to believe that simply, then, nothing will happen; there can be no change because there are not enough votes.

I believe that is not necessary, that does not have to be the final word.

Yesterday's primary election in the State of New Jersey, now setting a record of $31 million in expenditures in a single partisan primary, again focuses the Nation on the problem. Our campaign finance laws in the United States are recognized in the breach. There is no national governing system of campaign finance laws. They are misunderstood, violated, contradictory, and incomplete. Regrettably, there is a failure to look at the contributions that others can make and the alternatives that exist in law given the current deadlock in this Senate acting on campaign finance.

Indeed, to listen to the network anchors each evening—Mr. Rather, Mr. Brokaw, and Mr. Jennings—one would believe there are no other answers; this is simply a case of political candidates raising as much as can be raised in a complete vacuum of other considerations.

I believe that until this Congress acts and there is a majority for campaign finance reform, there are things that others can do and, indeed, it begins with the media itself. The costs of these campaigns are staggering, but I have never met a candidate for political office who wanted to raise money beyond what was actually required to win the race. It is not only a question of how much is being raised; it is how much the campaigns cost.

As my friend, MITCH MCCONNELL, has pointed out on a variety of occasions, America is not suffering from too much political discussion. There is not too much debate. Campaigns are simply too expensive. That begins with an analysis of where the money is going.

In New York City today, a 30-second prime time advertisement can cost $50,000. In Chicago, the same advertisement is $20,000. A 30-second ad on the late news in New York is $6,000; in Chicago, $4,500. The effect of this is obvious.

Year in and year out, the networks charge more money for the same advertisements for the use of the public airwaves, and an endless spiral of costs is driving campaign fundraising in America. Indeed, the same network anchors who rail against campaign fundraising almost every night are the principal beneficiaries of the campaign fundraiser. I do not know any candidate in

America who wants to raise this money voluntarily if they had a choice. There is no other means of communicating with the American people but to buy network television advertising, and I have never seen the cost of advertising go down.

The New York Times estimates that the 2000 elections in the United States will cost $3 billion. That is a 50-percent increase over 1996. Mr. President, $600 million of that advertising, or 20 percent, will be spent directly on network television advertising. That is a 40-percent increase over what the networks absorbed only 4 years ago.

Isolating the Presidential campaign in 1996, President Clinton and Senator Dole spent $113 million on television ads. Half of all the money they spent went to network television. This is done for a reason. It is not only the spiraling cost of network advertising far beyond the rate of inflation; far beyond the rate of increase of the cost of anything else in political campaigns is the networks themselves. They are the principal generating force in the rising cost of campaign finance.

They are part of the problem not in one dimension but in two. From Labor Day through election day in 1998, ABC, CBS, and NBC aired 73 percent fewer election stories than they did in the same period in 1994. The amount of advertising is going up and the cost is going up because candidates' ability to communicate with the American people through legitimate news stories is going down. It is not going down marginally; it is not going down significantly; it is going down overwhelmingly. There is a 73 percent reduction in the amount of legitimate news stories aired over the public airwaves to inform the American electorate.

What, Mr. Rather, Mr. Jennings, and Mr. Brokaw, are candidates for elective office in the Democratic and Republican Parties to do? The amount of legitimate free news stories to inform the electorate is in a state of collapse. The number of Americans reading newspapers is declining. There is a similar reduction in the amount of newsprint for legitimate news stories, and your rates are skyrocketing.

The result is clear: Costs of campaigns are soaring. Indeed, there is a solution. The most obvious solution is we could change the national campaign finance laws. For constitutional reasons, philosophical reasons, and political reasons I have suggested, that is not about to happen. I suggest the networks, therefore, look at themselves and their own ability unilaterally to reduce the cost of advertising on the public airwaves. After all, the public airwaves are not their own province. It is not something for which they paid and own exclusively. These are the public airwaves, licensed to ABC, CBS, and NBC, with a public responsibility to the American people, a responsibility they do not meet.

No other democracy in the Western world allows private corporations to use the public airwaves exclusively for their own benefit charging candidates for national office what approach commercial rates to communicate with the people themselves. Use the people's airwaves, charge exorbitant rates to candidates for public office to communicate in a national election—it would not happen in Canada, and it does not happen in Britain, Germany, Italy, or France. It happens nowhere, but it happens here.

While we wait for this Congress to act, I challenge the network executives: Be part of the solution, not the principal cause of the problem. Act unilaterally until this Congress can act. But they do not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. Will the Senator from Nevada yield me an additional 5 minutes?

Mr. REID. According to Senator WARNER, we have 45 minutes. We have used 31. That will be appropriate. I ask unanimous consent that the Senator from New Jersey be allowed to speak for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. I thank the Senator for yielding.

One can recognize why the networks are in this extraordinary hypocrisy. They are for campaign finance reform. They are against spending in national political campaigns increasing. Indeed, we all share that concern, but they are also the principal beneficiaries.

In 1998, automotive ads were 25 percent of all national advertising. Retail sales were 15 percent. Political advertising was 10 percent of all revenues. They are offended at the cost of national political campaigns, but it is the third largest source of their funding.

Similarly, it is not a stable problem. Political ads are a rapidly rising, indeed, the largest increasing, source of network revenues, from 3 percent in 1990 to approaching 10 percent of all network revenues in the year 2000. What an extraordinary hypocrisy.

But it gets worse. They are for campaign finance reform, but they want the advertising revenues. What could be worse? The National Association of Broadcasters last year spent $260,000 in PAC money and soft money, often supporting candidates who are against campaign finance reform, and hundreds of thousands of dollars lobbying to protect their right to use the public airwaves at retail costs for people who need to communicate with the American electorate.

I applaud Senator MCCAIN and Senator FEINGOLD for coming to this floor and fighting for campaign finance reform. I applaud my colleagues who have the courage to stand for it and fight for it. I always will. But changing the American political system in America to reduce money in the equation is not our fight; it is everybody's fight.

I could understand it if the networks were to be neutral, but to engage in this headlong daily criticism of the process while they profit by it is inexcusable.

My friends in the networks, join the fight. Help us reform the system. Lead by example. Reduce the costs of the public airwaves for the public good. Allow candidates to communicate ideas without exorbitant costs. And meet your public responsibilities by dedicating more—not less—time to discussions of the issues. Make that a legitimate discussion of real choices before the American people—not horse races, an accounting simply of expenditures in races. Be positive, be responsible, and be part of the process of change.

Mr. President, I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

Mr. WARNER. Mr. President, I express my gratitude to the distinguished ranking member and to the distinguished minority whip.

We are endeavoring to ascertain the remainder of the amendments that could be brought before the Senate in connection with this bill. There are strong initiatives on this side. We are going to put out a hotline on our side. We are urging Senators to contact the respective cloakrooms and to indicate—in the event they have a desire to have a matter covered on this bill by amendment—their desire to speak in relation to this bill or other procedural steps so that we can try to project the conclusion for this bill. We hope by 6 o'clock tonight is to get a unanimous consent request to lay down a list of amendments to be considered for the remainder of time on this bill.

Mr. LEVIN. Mr. President, I support the request for our colleagues to contact the cloakrooms about their intentions relative to amendments and speaking on the bill. It will help us to organize the rest of the time we will need on the bill.

I particularly thank Senator REID. He has been working hard on our side. I know that kind of effort is being made also on the Republican side to see if we cannot come up with a finite list at the end of the day of amendments that Members intend to offer.

Mr. REID. Mr. President, I think we have made progress. Sometimes it has been painfully slow. But this is a very big and important bill. We have a number of Senators on the minority side who expressed their desire to offer some amendments. We have a hotline

going out from our cloakroom asking that we try to develop a finite list of amendments. Once that is done, we will be in a better position to determine approximately how long it will take to complete this bill.

I should say to both managers of this bill that the minority is desirous of having this bill completed as quickly as possible.

As the managers of this bill know, in the past this bill has taken a long time. We are going to try to move it more quickly than in the past. But we still have a lot of amendments. But by the end of the day, I hope we will be in some kind of position to indicate to the managers of the bill how many amendments we have on this side. We hope the majority will tell us how many amendments they have.

Mr. WARNER. Mr. President, I certainly appreciate the expression from our distinguished leader on the minority that it is the minority's desire to move this bill to completion. That is very reassuring.

Mr. REID. Mr. President, we have a pending unanimous consent request. We are not in a position at this time to agree to that. We are getting very close. As soon as that is possible, we will notify the manager of the bill and enter into that unanimous consent agreement to take care of some things tomorrow.

Mr. WARNER. Mr. President, I assure our distinguished leadership on this side that Senator LOTT, I, and others believe very strongly that this bill is essential for the United States and essential for the men and women in the Armed Forces. I think considerable bipartisanship has prevailed up to this moment. I hope it continues and we can complete this bill.

Mr. LEVIN. Mr. President, my staff just handed me some interesting statistics, since we have a moment. Over the last 10 years, we have averaged 5½ days on the Defense authorization bill and 116 amendments, on average. We are actually doing pretty well. We are making some progress. We may beat the average even. We never know.

Mr. REID. Especially considering the fact that we didn't start this bill until late yesterday afternoon. We have only been on this bill a little more than one day.

Mr. WARNER. Mr. President, a hotline will be going out to both cloakrooms. I thank my colleagues. We are still awaiting the arrival of Senator MCCAIN, at which time we will proceed to the McCain-Levin amendment, which is described in detail in the unanimous consent request.

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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3197

(Purpose: To authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 and 2003 and 2005)

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for himself and Mr. LEVIN, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. DEWINE, and Mr. WYDEN, proposes an amendment numbered 3197.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 530, after line 21, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 2003 AND 2005.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following new clauses (iv) and (v):

''(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress; and

''(v) by no later than March 15, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress.''; and

(B) in subparagraph (C), by striking ''or for 1995 in clause (iii) of such subparagraph'' and inserting '', for 1995 in clause (iii) of that subparagraph, for 2003 in clause (iv) of that subparagraph, or for 2005 in clause (v) of that subparagraph''.

(2) MEETINGS.—Subsection (e) of that section is amended by striking ''and 1995'' and inserting ''1995, 2003, and 2005''.

(3) STAFF.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking ''and 1994'' and inserting '', 1994, and 2004''.

(4) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

''(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003 or 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in either of those years such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.''.

(5) TERMINATION.—Subsection (l) of that section is amended by striking ''December 31, 1995'' and inserting ''December 31, 2005''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by striking ''and 1996,'' and inserting ''1996, 2004, and 2006,''.

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003 and 2005,'' after ''December 31, 1990,'';

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting ''and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003 and 2005,'' after ''February 15, 1991,''; and

(ii) in the second sentence, by inserting '', or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001'' after ''March 15, 1991''; and

(C) by adding at the end a new paragraph:

''(3) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall be based on the total cost and savings to the Federal Government that would result from the proposed closure or realignment of such military installation.''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking ''and March 1, 1995,'' and inserting ''March 1, 1995, March 14, 2003, and May 16, 2005,'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In making recommendations to the Commission under this subsection in any year after 1999, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

''(C) The recommendations made by the Secretary under this subsection in any year after 1999 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.''; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking ''paragraph (5)(B)'' and inserting ''paragraph (6)(B)''; and

(ii) in the second sentence, by striking ''24 hours'' and inserting ''48 hours''.

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting ''or by no later than July 7 in the case of recommendations in 2003, or no later than September 8 in the case of recommendations in 2005,'' after ''pursuant to subsection (c),'';

(B) in paragraph (4), by inserting ''or after July 7 in the case of recommendations in 2003, or after September 8 in the case of recommendations in 2005,'' after ''under this subsection,''; and

(C) in paragraph (5)(B), by inserting ''or by no later than June 7 in the case of such recommendations in 2003 and 2005,'' after ''such recommendations,''.

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''or by no later than July 22 in the case of recommendations in 2003, or no later than September 23 in the case of recommendations in 2005,'' after ''under subsection (d),'';

(B) in the second sentence of paragraph (3), by inserting ''or by no later than August 18

in the case of 2003, or no later than October 20 in the case of 2005,'' after ''the year concerned,''; and

(C) in paragraph (5), by inserting ''or by September 3 in the case of recommendations in 2003, or November 7 in the case of recommendations in 2005,'' after ''under this part,''.

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 1999 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;''.

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking ''December 31, 1995,'' and inserting ''December 31, 2005,''.

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking ''that date'' and inserting ''the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)''.

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting ''or realignment'' after ''closure'' each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(5).

(iii) Section 2905(b)(7)(B)(iv).

(iv) Section 2905(b)(7)(N).

(v) Section 2910(10)(B).

(B) That Act is further amended by inserting ''or realigned'' after ''closed'' each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).

(ii) Section 2905(b)(3)(D).

(iii) Section 2905(b)(3)(E).

(iv) Section 2905(b)(4)(A).

(v) Section 2905(b)(5)(A).

(vi) Section 2910(9).

(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting '', or realigned or to be realigned,'' after ''closed or to be closed''.

Mr. MCCAIN. Mr. President, the amendment I propose today is one which we have attempted on several occasions in the past. It authorizes two rounds of U.S. military installation realignments and closures to occur in the years 2003 and 2005—in other words, BRAC, or Base Realignment and Closure.

I am pleased to join Senators LEVIN, ROBB, VOINOVICH, REED, DEWINE, and WYDEN as cosponsors.

We have heard for the last several years of the severe problems that exist in the military. We addressed one of those problems, food stamps, earlier in the proceedings on this legislation. We have heard in the Senate Armed Services Committee repeated testimony of plunging readiness and modernization programs that are decades behind schedule and quality-of-life deficiencies so great that we can't retain or recruit quality personnel necessary to defend this Nation's vital national security interests.

Statistics are sometimes numbing but sometimes interesting also. The Air Force will be 2,000 pilots short by the end of next year, the Navy SEALS are losing two-thirds of their officer corps, and the Army is struggling to retain its captains. In the last few weeks, there was a well publicized study conducted by the Army which shows an unprecedented exodus of Army officers at the rank of captain from the U.S. Army.

The consequences of losing the majority of your junior officers at that rank are indeed disturbing and even alarming. Equipment is falling in disrepair. The Marine Corps spends more time fixing broken equipment than it does training on it. And the Air Force is discovering that its F–16 fleet is only safe to fly for 75 percent of its original planned service life. The Army is in need of new engines for its entire M–1 tank fleet.

Modernization of our military equipment has all but ceased for the very large and risky programs such as the Joint Strike Fighter, Comanche helicopter, and excessively expensive ship and submarine programs of questionable design and questionable requirement.

There is no doubt that many of the woes of our military can be addressed in areas other than the budget, but more judicious use of the military by the national command authority and reduced operational tempo will help with personnel retention.

Any person in the military will tell you today that our military personnel, both active duty as well as Guard and Reserve forces, are being deployed all too frequently at the expense of their lifestyles, their family lives, and ultimately their desires to continue to serve the country in the uniform of the military.

Streamlined training and greater attention to exercise management will result in less strain on our service members and their equipment. But ultimately we must pay for the last 7 years of chronic underfunding of our military. Finding these dollars at a time when we must also carefully attend to the health of our Social Security system and other much needed social benefits will be absolutely difficult.

It is against this backdrop that we should acknowledge the absolute requirement to close unneeded military bases. The armed services is carrying the burden of managing and paying for an estimated 23-percent excess infrastructure costing at least $3.6 billion a year. Let me point out again, Mr. President, keeping these bases open is not without significant cost. In fact, about $3.6 billion every year could be saved when these unnecessary bases are ultimately closed.

By the year 2003, these costs will grow to a total of over $25 billion. If Congress allows the military to streamline its infrastructure, these costs can be realized as real savings that can be used to address the military's readiness shortfalls. Many have heard strong testimony supporting further BRAC rounds from the service chiefs, all the service Secretaries, and the Secretary of Defense. Potential savings are dramatic. The savings in 1 year alone would more than pay for the proposed personnel pay benefits—including health care, buy over 36 new F–22 strike fighters for the Air Force, fully fund our Nation's ballistic missile defense program, or pay for 75 percent of the next generation aircraft carriers.

Savings over the next 4 years are conservatively estimated to reach $25 billion. The annual net savings from previous BRAC rounds have grown from $3 billion in 1998 to $5.6 billion to $7 billion a year by 2001. That is an important statistic because so many of the opponents of a base-closing round argue that money is not only not saved but spent because of the cleanup costs that are associated with base closings.

There are two points to be made. One is that these cleanups, although lengthy and difficult sometimes, depending on the type of operations that took place on that military base, have now been completed to a large degree, and the money is being saved. As I mentioned, between $5.6 to $7 billion will be saved next year. Also, it should disturb us if these bases are not cleaned up anyway, whether they are open or closed. It is an expense that probably will continue to grow. To say that we shouldn't close bases because of the cleanup costs then, I guess, using a certain logic, would mean we would want areas that are hazardous to ourselves and our children's health to remain unaddressed.

These savings are, as I said, real. They are coming sooner and they are greater than anticipated.

The GAO recently noted that in most communities where bases were closed, incomes were actually rising faster and unemployment rates were lower than the national average. In my own home State of Arizona there was great wailing and gnashing of teeth as Williams Air Force Base appeared on the base-closing list several years ago. It is now called Williams Gateway Airport and it is generating sizably more revenue for the community and the State of Arizona than it was when it was a military installation. That is true at bases throughout the Nation.

There is a provision in this bill that allows for the no-cost transfer of property from the military to the community in areas affected by closures. This amendment authorizes two additional rounds of base closure in 2003 and 2005. The amendment is similar to that introduced last year except the rounds are 2003 and 2005 instead of 2001 and 2003. Why did we change the date from 2001, which would then obviously mean it would take action well into the next administration? Due to the justifiable mistrust, particularly on this side of

the aisle, about this President's nonpoliticization of the process. There are credible arguments that the last base-closing round, as far as Kelly Air Force Base in Texas and McClellan up in Sacramento, were politicized.

Last year, when Senator LEVIN and I and others brought this amendment up, the distinguished chairman of the committee said: There will be immediately ''acting'' in the bowels of the Pentagon to somehow politicize this process. I say to my friend from Virginia, the distinguished chairman of the committee, they won't be acting in the bowels of the Pentagon, at least until the year 2003, under this proposal.

So we are talking about an evolution that would not take place. The round would not take place for 3 years, 3 years from now, and then obviously those recommendations would not be implemented until beginning with the final determination of the base-closing commission and approval by the President and the Congress.

Additionally, under this proposed legislation, privatization in place would be permitted only when explicitly recommended by the Commission, which I hope would prevent a recurrence of the kind of machinations, whether legitimate or not, that were conducted by the present administration, which has caused so much skepticism about the results of the last Base Closure Commission.

Finally, the Secretary of Defense must consider the total cost the final base closure rounds have on the Government, not just cost or savings to the Department of Defense. We can continue to maintain a military infrastructure that we don't need or we can provide the necessary funds to ensure our military can fight and win future wars. Our men and women are deployed and continuing to train and prepare for upcoming deployments, many to active combat regions. They are undermined, increasingly short on critical weapon systems, and are struggling to overcome a multitude of readiness deficiencies.

Recently, one of the Army divisions was declared in the lowest category of readiness. It struck home to a lot of us in this body who happen to still revere the great and wonderful Senator from Kansas, Mr. Dole, who was our majority leader, who served and sacrificed in the famous 10th Mountain Division. He, among others, was surprised when a division with that glorious and wonderful history was declared, for all intents and purposes, unfit to be deployed into a combat situation.

The cost associated with maintaining excess infrastructure represents real money that is not available for essential programs and for alleviating real defense programs.

Earlier this year, the Armed Services Committee met to discuss the need to add critical funds to the defense account for much needed modernization projects. I was amazed that although there were arguments for the need for increased defense spending, no one could see that critical defense reforms such as further BRAC rounds were required. These rounds could provide long-term funding for modernization and readiness programs without risking other key programs.

We must finish the job we started by authorizing a new round of base closures. I urge my colleagues to join in support of this amendment and work diligently to put aside politics for what is clearly in the best interests of our military forces in our Nation.

We had kind of an unusual occurrence last year in that the Joint Chiefs of Staff, in what was deemed by most observers as a rather unusual move, they testified before the Senate Armed Services Committee that they had significant shortfalls in funding.

The committee asked for detailed responses as to what were those shortfalls in funding. The Army came up with some $5.5 billion in unfunded requirements they thought were necessary. This comes from the uniformed heads of the services. The Army needed $5.5 billion for programs ranging from Longbow Apache to night vision goggles, to UH–60 Blackhawk procurement. The list is very detailed and very long: The Navy needed about $5.8 billion; the Marine Corps needed $1.6 billion; the Air Force needed $3.5 billion; the Special Operations Command needed $260 million; the Army National Guard needed $800 million; and the Air National Guard came in with a requirement for $2.4 billion.

We are taking strides to improve funding for our military. But when you add all of this up, it comes to a very significant amount of money, about $20 billion, that the military chiefs have submitted in written testimony to the Congress as to the needs of the individual services.

I have to be sort of candid. I am not sure we are going to come up with $20 billion that the services need. We are increasing funding, and that is the first time in some years. But I do not see that in the realm of this $20 billion, when you look at the additional costs which are already basically there without us being able to do anything about it—first, the funding for the new fighter aircraft, funding for the additional ships, planes, tanks, et cetera, that will be necessary to replace existing aging equipment and modernize our armed forces.

So here is $20 billion the chiefs say they need. I do not see a huge increase of that size, frankly, in the future, as far as the Congress is concerned, nor, at least under this administration, do I see that sizable additional request.

Obviously, as I pointed out earlier, it would be a savings of some $25 billion over a period of the next 4 years. The savings are conservatively estimated to reach about $25 billion. I do not want to have any of my colleagues be misled. That would be the case if we had a base-closing commission that declared its decisions today. But if the base-closing commission, in the year 2003, made its decisions, we could save over the following 4 years some $25 billion. I want to make it clear.

Yes, there will be initial costs for cleanup of these bases. That is a sad fact—and at that time an unexpected—experience that we had. But I also argue, with the perspective of time, we have found there is now, as a result of the earlier base closings, annual net savings which are growing from $3 billion in 1998 to $5.7 to $7 billion per year by next year.

I would be distressed if Yuma Marine Corps Air Station in Yuma were on the base-closing list. I would be distressed if Luke Air Force Base in Phoenix were on the base-closing list. I would be distressed if Davis Mountain Air Force Base in Tucson were on the base-closing list. I see my friend from Nevada here, one of the cosponsors of this amendment. I am sure he would be deeply distressed if Nellis Air Force Base in Reno were on the base-closing list. There is not, I believe, a Senator or very few Senators who would not feel the impact of a base-closing commission.

But I challenge the opponents of this amendment to find me one—I say one—credible military expert who resides outside of the Congress of the United States who will not say that we need to have a base-closing commission to decide on the elimination of unneeded infrastructure in the reform of bases that the military does not need.

I ask any of us to pick up the phone and call up Gen. Colin Powell; call up Gen. Norman Schwarzkopf; call up Cap Weinberger; call up Dick Cheney; call up Zbigniew Brzezinski; Call up anyone, anyone today, who is a person who has credentials as far as military readiness is concerned, and I think you would be hard pressed to find anything but the overwhelming majority—perhaps not totally but the overwhelming majority of opinion on this issue by credible military experts is that we have excess infrastructure in the form of too many bases which we do not need and which should be closed in order to use those funds for badly needed military requirements.

I apologize to this body, to keep going back to the plight of the service men and women in the military today. But we do have service men and women in the military on food stamps. We do have service men and women in the military in my own State residing in barracks that were built during World War II. We do have service men and women in the Marine Corps who are, for example, retreading military vehicle tires so they can get additional money in order to have ammunition with which to practice.

The stories go on and on.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. MCCAIN. I will be glad to yield to the distinguished chairman at any time, including now.

Mr. WARNER. At an appropriate time.

Mr. MCCAIN. Please go ahead.

Mr. WARNER. Since he and I joined together several years ago on a piece of legislation to initiate the BRAC process—you remember that, and I will not go into the chronology—I share with the Senator appreciation of the need for an assessment of our base structure. That should be made in the context of the demands of the armed services. There is no one—you just had an amendment that succeeded overwhelmingly in the Senate on food stamps. You begin to address these problems. I commend my old friend and colleague.

This comes to my mind. There is no one who is a stronger fighter for the prerogatives of the President of the United States. You fought hard here recently on an amendment which I had with Senator BYRD. I think you took the line we could be strapping the President of the United States.

Factually speaking, with no criticism towards President Clinton, there will be an election in this country and a new President elected in a few months. He will take office. Should we not accord him the courtesy to address this question, address it in the context of the needs that you have stated, address it in the context of a QDR, his own analysis of the military structure of the United States? Address it in the context of what his direction will likely be with respect to the Armed Forces of the United States?

My colleague, above all, and I are strong supporters of one particular candidate. He has spoken out very forcefully on the need to further strengthen our military. I think if we were to start the process now, it could in some ways impede or indeed thwart the next President's, what I consider, complete freedom to look at this issue.

My colleague was right. He was talking about the $20 billion this could possibly generate. He was correct in assessing the needs of the Chairman of the Joint Chiefs of Staff and others. Just moments ago we missed by a few votes a $90 billion program for retirement, which was tough for those who had to go against it, but we had to resist that.

I am suggesting: What is the reason we should start now versus just allow the next President to frame this legislation in terms of his own needs and aspirations?

Mr. MCCAIN. Again, I thank the chairman for his leadership and the courage he has displayed on a number of occasions on a number of issues.

First, I respond to my friend from a practical standpoint. This amendment authorizes a base-closing commission. The President of the United States does not have to appoint the Commissioners and the President of the United States can reject the findings of the Commission. So I do not believe we are forcing the next President of the United States in that respect.

My second point is, it is well known the advisers, at least to the party on this side of the aisle, to the person we believe will be the next President of the United States—George Shultz, Brent Scowcroft, Condolleeza Rice, Colin Powell, Robert Zoellick——

Mr. WARNER. And I suggest yourself.

Mr. MCCAIN. Addressing every one of those individuals, if the chairman and I picked up the telephone and said, ''Do you think we should have a base-closing commission?'' they would say yes. They would say yes.

I argue, even though I understand and appreciate and sympathize with the position of our nominee for President of the United States not to interfere too much with what goes on in the Congress, I believe he would be very supportive as well.

On the other side of the aisle, if it should occur that the nominee from the other side of the aisle were elected President of the United States, the fact is very well known the Vice President of the United States supports a base-closing commission as well and has voted on this floor for the appointment of a base-closing commission.

By the way, I want the Record to be very clear that I have the greatest respect and friendship for the Vice President of the United States.

It is the decision of the people of this country who will be the next President of the United States. I had respect for the Vice President and his involvement in military issues when he and I served together, as we did, in the Senate.

Mr. WARNER. Mr. President, he served on our committee with the Vice President.

Mr. MCCAIN. The Vice President of the United States, who is the nominee of the other party on the other side of the aisle, is also supportive of and would support a base-closing commission. I believe whoever will be President of the United States supports at this time authorizing further base-closing commissions. I believe the advisers to both individuals also support a base-closing commission, and if that commission were authorized, it still would not require the next President of the United States to act even in the appointment of commissioners, much less accepting the recommendations of that commission. I yield to the Senator from Virginia, if he has any additional comments.

Mr. WARNER. No, I think Senator MCCAIN answered my question. We both made our points. Mr. President, the time that I consumed will be chargeable to those in opposition to the McCain amendment. I shall eventually vote in opposition to the McCain-Levin amendment.

Mr. MCCAIN. Mr. President, I simply conclude by saying I hope we can authorize this. It is important, not only because of the money we save which is critical for defense, but we as a body should understand that it does not enhance our reputation about our concerns about the needs of the military when we refuse to take what is a very logical step, and that is to approve a base closure commission which would make recommendations which could be either accepted or rejected by the President of the United States and rejected by this body if this body, in its wisdom, decided those recommendations were invalid.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, will the Senator from Arizona yield me 10 minutes?

Mr. MCCAIN. Mr. President, I yield to the Senator from Michigan whatever time he uses.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, once again, it is necessary for Senator MCCAIN and I and a number of colleagues he has specified to make an effort to authorize an additional two rounds of base closings. On this issue, the Congress simply can run but it cannot hide.

Every time we speak about the need for additional resources, be it for health care in the military for retirees or active duty people, whether it is for modern equipment, whether it is for a reasonable, decent cost-of-living allowance or a pay increase for our active duty people, whatever it is we talk about as being needed in our military, it seems to me to be a little bit hollow if we are not willing to make the savings that clearly are essential and can be made and are requested by our uniform military to help pay for those additional expenditures. We can run but we simply cannot hide from our responsibilities in this area.

The amendment would implement the recommendation of the Quadrennial Defense Review. We have heard a lot about Quadrennial Defense Review today and how important it is that review take place, and it is important. The recommendation of the Quadrennial Defense Review was that we have additional rounds of base closings. The National Defense Panel recommended additional rounds of base closings. The Joint Chiefs of Staff have recommended additional rounds of base closings. The Secretary of Defense has made the same recommendation.

The way to respond to the need for resources for our military is to eliminate the expenditures which are not essential.

This amendment would authorize two base-closure rounds: one in 2003 and one in 2005. The first round would take place well into the next administration. The second round would take place in the administration after that.

The amendment Senator MCCAIN and I and others are offering would follow the base-closure process that was used previously in 1991, 1993, and 1995, with three main exceptions: First, because 2005—which is the second round under this amendment—will be the first year of a new administration, the schedule in 2005, which again would be the second round, would start and end about 2

months behind the schedule that would be used in 2003. The 2003 schedule would basically mirror the 1995 schedule, except that it would start and end about 2 weeks later than in 1995. We include a 2-month slip in the timetable of the whole process in 2005 to allow a new administration time to decide whether they want to have a base-closure process and to make its appointments to the commission.

As our friend from Arizona pointed out, this process we would authorize is simply that—we authorize the process. The President would decide whether or not to trigger the process by the appointments of the members of the base-closing commission and then would have a fail-safe mechanism to reject the recommendations of the commission.

The second exception to the general rules that were followed in the last rounds' process is this amendment also includes the language to address the problem of privatization in place for future BRAC rounds. It would allow the Secretary of Defense to privatize in place the workload of a closing military installation only when it is specifically recommended by the Base Closure Commission. That would address the issue which has been raised about the previous round when some thought that round was politicized when there was privatization in place, which was allowed. This cures that problem by saying no privatization in place unless the Base Closure Commission itself specifically recommends that course of action.

The third main difference between this and the previous rounds is that this amendment specifies we look at the costs and savings not just of the one agency but total costs and savings to the Federal Government. That is important so that we do not simply save money in one Federal Government pocket but cost money in another Federal Government pocket; that we look at the costs and the savings to the entire Government from a proposed closing when these recommendations are made and not just to the Department of Defense.

In 1997, the Congress mandated there be a report on base closures. Secretary Cohen, in compliance with that, issued a report in April of 1998. That report, which we insisted on, contains a convincing analysis of 1,800 pages of detailed backup material. It is responsive to those who said last year that we needed a thorough analysis before we could reach a decision on the need for more base closures.

What that report reaffirms is that the Department of Defense simply has more bases than it needs. Since 1989, we have reduced the total active duty military end strength by one-third, but even after four base-closure rounds, DOD's base structure in the United States has been reduced by only 21 percent. We have a disconnect. We have too much structure. There are too many bases and facilities which are operating which we can no longer afford to operate and which must be consolidated.

Each of us in States that have faced those closures understand the short-term pain involved. We have lost all of our Strategic Air Command bases in Michigan. We understand what is needed in the aftermath to cushion the impact of those so-called realignments, which were closures, of our three SAC bases, but we succeeded. We are on our way back in all three areas.

The Department of Defense is telling us they have 23-percent excess capacity in current base structure. It seems to me we cannot hold our heads up and talk about the need of additional resources for the Department of Defense if we are not willing to close or at least put a process in motion which would fairly recommend the closure of some of this 23-percent excess capacity which the Department of Defense analysis says we have.

Mr. President, in relation to the excess capacity we have in our defense structure, the Department of Defense analysis concludes that we have 23 percent excess capacity in its current base structure. Just a few examples now of that excess capacity which I think are indefensible, again, particularly for those who are urging additional resources in the defense budget.

How do we justify the Army having reduced classroom training personnel by 43 percent while classroom space is only reduced by 7 percent? What we are doing by not allowing additional rounds of BRAC is telling the Army: You have to maintain all that classroom space even though you have no personnel to run it. So the classroom training personnel is reduced 43 percent; classroom space is only 7 percent reduced.

The Navy will have 33 percent more hangars for aircraft than it requires. We are telling the Navy—unless we allow these additional rounds of BRAC—you have to maintain those extra hangars even though you do not have the aircraft or the need for it.

The Air Force has reduced the number of fighters and other aircraft by 53 percent since 1989, while the base structure for those aircraft is 35 percent smaller. So they have to keep 18 percent more base structure than they need because we have been unable to show the political will to allow the military to do what they are pleading with us to allow them to do.

The chiefs come over here, the Secretary of Defense comes over here, year after year, and they say: We need additional rounds of base closures. So far, for the last few years at least, since the last round, we have been unwilling to show that political will to make those savings possible.

The report of Secretary Cohen has demonstrated some significant savings. People say: What about the savings? Can you really demonstrate savings? First of all, it seems to me, there is a commonsense demonstration that if you have four stores and you are making a profit in three, you are going to close one of those stores.

So many of us always tell the Defense Department they ought to emulate the private sector more, to act a little bit more as a business, be a little bit more businesslike, to show some savings in order to make it possible for us to fund some other things needed in the defense budget.

The Department of Defense estimates—these are not ours, these are the Department of Defense estimates—that BRAC, so far, has saved us $14.5 billion net. After 2001, when all of the four BRAC actions must be completed, what we call steady state savings, the savings will be $5.7 billion per year. Those are not our estimates; those are the Department of Defense estimates: $5.7 billion every year saved, starting after 2001, as a result of the four rounds we have had so far.

The CBO and the GAO reviewed the Department of Defense report. So our Budget Office and our General Accounting Office reviewed that report, and they agreed that base closure saves substantial amounts of money.

Based on the savings from the first four BRAC rounds, every year that we delay another base closure round, we deny the Defense Department, the taxpayers, and our Nation's defense about $1.5 billion in annual savings we can never recoup.

Again, I know base closings can be painful. I know that probably as well as anybody because all three SAC bases, as I said, in my home State have been closed, and we are still working hard to overcome the economic blow to those communities. But we are working successfully. There is no question that the BRAC process is the fairest, most open, most objective way to close bases. Without it, we are not going to close bases. That is what history has shown.

Furthermore, in last year's bill we took steps to make the conveyance of BRAC property even easier for local communities. We have taken care of the objectionable part which surfaced last time when there was privatization in place which many thought had not been provided for by the Base Closure Commission but which the administration nonetheless allowed. We have cured that in this bill by saying the next Base Closure Commission must specifically authorize privatization in place for a closed facility or else it cannot occur.

Our forces need quality training. They need precision weapons. They do not need extra military bases. We just simply have higher priorities for our defense dollars than funding bases we no longer need.

As the Senator from Arizona said, we have paid a lot of attention, and should pay a lot of attention, to the chiefs' unfunded requirement lists. We should give, and do give, great weight to them. The Senator from Arizona listed the shortfalls the chiefs listed, totaling approximately $20 billion.

There are a number of ways to fund those unfunded requirements. One is to use some of the surplus we have worked so hard to achieve by just simply adding to the budget for the Defense Department, to the so-called top line. But we are not limited to that approach, and it is a difficult approach.

Whether or not we pay down the national debt, whether or not we protect Medicare, whether or not we have a tax cut, or whether or not we spend some of that on education, there are very important competing interests for the surplus. We don't have to simply say: We will use the surplus and add money to the defense budget. We can find savings and reapply those savings to higher priorities. That is what past BRAC rounds are already doing for us, and that is what the BRAC rounds in this amendment will do for us in the future, if we are willing to do what the Secretary is asking us to do, not for himself but for his successors and, more importantly, for the men and women who will be serving under his successors.

Secretary Cohen said recently that his biggest disappointment as Secretary has been that the Department of Defense still has too much overhead and he has not been able to persuade his former colleagues, meaning us, to do what needs to be done to have more base closures. We all know Secretary Cohen. He was a colleague of most of us. I think every one of us trusted his judgment. We all know that BRAC affected him and his State when he served in this body, so this is not a request Secretary Cohen makes lightly. He knows what he is talking about and what he is asking of us.

We can't have it both ways. We can't say we want additional billions for health care, which we said today with the Warner amendment. We can't say we want additional billions for disability compensation, which was provided for in Senator REID's amendment. We can't talk about an additional pay raise for the military and all the other things we rightfully talk about and are concerned about and at the same time we maintain in place unneeded bases and structure. It is inconsistent. We can't have it both ways. It is an issue of political will and overcoming back-home concerns, understandable concerns but nonetheless overcoming those concerns to meet our long-term security needs.

Are we willing to do the necessary thing, the right thing to avoid the wasteful spending which is inherent when we maintain base structure we don't need, when we have reduced the size of our force by a third but our base structure by only 20 percent, and when we have classrooms and hangars that are no longer needed, a hundred other things that are no longer needed, because we don't have the political will to put in place an outside base-closing commission whose recommendations can be totally rejected if they are unfair by either the President or by us? That is a reasonable amount of political will for which to ask in order to achieve the billions of dollars of savings that will be achieved by additional rounds of base closings.

I yield the floor and thank the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Virginia.

Mr. WARNER. Mr. President, we now have a unanimous consent request. Piece by piece we are working and succeeding in putting forth UC requests to keep this bill moving forward.

I ask unanimous consent that at 3 p.m. on Thursday, June 8, the Senate temporarily lay aside any pending amendments and Senator DASCHLE and/or his designee be recognized to offer his amendment re: HMO, and that there be 2 hours, equally divided, prior to the vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

I further ask consent that during today's or tomorrow's session, Senator INHOFE be recognized for up to 10 minutes and Senator SNOWE be recognized for up to 30 minutes, each for general debate on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I urge all Senators—we are trying to move towards a 6 o'clock deadline tonight with respect to first-degree amendments. We are making considerable progress on both sides.

Mr. REID. Mr. President, I say to the manager of the bill, I have been working with our manager. We are working very hard to come up with a finite number of amendments. It is as the Senator indicated. The average number of amendments on this bill is about 111, and 5 and a half or 6 days on the bill. We would certainly hope to beat that record. But at the present time we are trying to get a list of amendments. We hope to have that sometime later tonight or the first thing in the morning.

Mr. WARNER. Let's continue to work toward 6 o'clock tonight. I think it is important we do so. So many Senators have plans, and we want to accommodate them.

Mr. REID. We will do our best.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, on behalf of the manager, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LEVIN. Mr. President, I ask unanimous consent that the time which is utilized by the Senator from Oklahoma come from the side of the opponents of this amendment.

The PRESIDING OFFICER. That is the understanding. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I wouldn't want anything I say to be misinterpreted by anyone as to how I am going to be voting on the defense authorization bill under consideration. I am going to strongly support it, although it is strongly inadequate for the needs we are faced with right now. I am realistic enough to know that when we get into a rebuilding program, that is going to have to happen under a different administration than the administration we have had over the last 7½ years.

I was elected to the House of Representatives in 1986; my first term was 1987. It happened that a very smart young Congressman from Texas named Dick Armey made the decision that we were going to have to do something about excess infrastructure and devised a way, this smart guy who got his Ph.D. from the University of Oklahoma, to take politics out of the base realignment and closing process. I strongly supported him.

The first round voted on, I believe, in 1987, to be implemented in 1989, about which I spoke on the floor of the House and supported, was one that I felt this country did need. So for the first two of the four rounds we have already had, it was cherry-picking time. Yes, we closed bases and installations that resulted in a tremendous savings, and it was good.

The third and the fourth rounds didn't work out that way. We have to keep in mind that it had always been virtually impossible politically to close installations because of the politics involved. There are always Members of the House and Senate who don't want anything closed in their States. Consequently, this system that was devised, this BRAC process, was to take politics out. Everyone agreed, even though they didn't like the results, that there had to be a process free from politics to do that. It worked out for the first four rounds.

The last round that came through in 1995 was one where, among other things, the BRAC committee evaluated the air logistics centers. There are five of them in the United States, and each one was operating at that time at 50-percent capacity. Any logical business conclusion would demand that we close two of them and transfer the workload to the remaining three. I heard the distinguished Senator from Michigan talk about the process, about the fact that privatization in place is something that would be precluded in the next BRAC round, if he is successful in getting that authorized. I suggest that if somebody in the White House wants to violate the integrity of this process, it is not only privatization in place that will happen. He can find out some other way of doing it.

We are going to have, it now appears, one of two people as the next President of the United States. It will either be Vice President AL GORE or George W. Bush. In the case of Vice President GORE, let's remember what happened in the 1995 round. They made the recommendation to close two and transfer the workloads of the remaining three. They evaluated all five air logistics centers and determined that the two

least efficient ones were at McClellan Air Force Base in California and Kelly Air Force Base in Texas.

That being right before the election and both being in vote-rich swing States, the President and the Vice President went to McClellan and then to Kelly and said: Don't worry; even though they said that we are going to close your bases, we are not going to let that happen. We are going to—and just out of the air he grabbed a phrase—''privatize in place.'' Well, that made it very clear that if you really want to figure out a way to politicize the system, you can do it.

Who was it at that time who made the announcement out at McClellan in California and at Kelly in Texas? It wasn't President Clinton. It was Vice President AL GORE. I said when I began that one of those two individuals, GORE or Bush, is going to be the next President. I will fight to the bitter end, until at least the time we know who the next President is going to be, before I will vote to authorize future BRAC rounds in that one of the candidates, Vice President AL GORE, has already demonstrated that he will induce politics back into a system that is supposed to be free of politics. I think that has to be considered.

The second issue is, in this rebuilding process, I believe that if the next President of the United States is George W. Bush, having had personal conversations with him, he recognizes that we are in the same hollow force situation we were in in 1980 when Ronald Reagan became President and had to start a massive rebuilding program.

What is a massive rebuilding program today? The Joint Chiefs have all said, in testimony before our committee, with Senator LEVIN and myself present, that we need to have an additional $140 billion over the next 6 years to reach the minimum expectations of the American people. What are the minimum expectations of the American people? It is to defend America on two regional fronts. This has been a concept most Americans think we can do today, and we cannot do that simultaneously.

So if we start this rebuilding process and it is going to be as significant as we think it is going to be, then we need to be looking at what our infrastructure needs will be then, not what they are today. If we have artificially lowered our force strength in this country to an artificially low level, we don't want to bring our infrastructure down to the same level because when we start to rebuild, we don't know what our infrastructure needs will be.

That is the whole point. We will know with the new administration, and we will be able to project in the future what that is going to be. The argument is used that we can't have it both ways and we need to have more money. That is true. I think we need to have a lot more money than we have right now. In fact, we have testimony from the service chiefs that, even with the budget we have today, we are still inadequate to the degree of about $11 billion-plus a year in order to start the rebuilding process and get to the point we just described.

Why would we be in a hurry to do this? When they talk about the fact that we are going to have savings, we know those savings aren't even going to take place in the best scenarios until, at the earliest, 2008. In fact, I will read out of a March 2, 2000, news article that quotes Bill Cohen. He said it will be somewhere between 2008 to 2015.

Now that is beyond the point, hopefully, that we have a crisis in this country. Our crisis is here today. There are a lot of people who would like to believe there is not a threat out there because the cold war is over. I look wistfully back to the days of the Cold War. At least we knew who the opposition was. We had two superpowers, and we had good intelligence on both sides. We knew what they had, and they knew what we had. We were able to address it. Today, we have all these rogue nations that all have weapons of mass destruction. We have countries that possess missiles that will reach to the United States of America, China, Russia, North Korea, and maybe others—warheads that could blow us up.

I come from Oklahoma, and I think most of the people realize it was just 5 years ago in April that we had the most devastating domestic terrorist attack in the history of America. It happened in Oklahoma. When you saw the pictures of that Murrah Federal Office Building, you saw parts of bodies that were stuck to the wall in that flaming building and the absolute devastation, and you stopped to realize that the smallest nuclear warhead known to man today is 1,000 times that powerful.

So here we are vulnerable, with no defense system at all on an incoming missile. Secondly, we are at one-half the force strength in 1991 during the Persian Gulf war. We have one-half of the Army divisions, one-half of the tactical air wings, one-half of the ships floating out there. Our force strength is down. At the same time, under this administration, we have had more deployments in the last 7 years than we had in the previous 40 years collectively. They have been in areas where we don't have national security interests. So we are taking these rare assets we have, and we are putting them into places such as Kosovo and Bosnia, where we should not have gone in the first place.

So facing that 1980 dilemma our rebuilding is going to have to start immediately for national security reasons. I would like to think that by 2008 we would be back where we were in 1986 after the rebuilding. I have no way of knowing that for sure, but let's hope that is the case.

Anyway, while the Senator from Arizona said it is not at all sure, he said, to be perfectly candid, that we are going to be able to save $20 billion over that period of time. There is one thing I suggest we are sure of, which is that the cost over the next 5 years is going to be $2.6 billion. That means it is going to be negative during this time that we have to start the rebuilding process. Things, right now, are in a much more deplorable condition than America wants to believe.

As chairman of the Readiness Subcommittee of the Armed Services Committee, I have had occasion to go to all the military installations around the world, and I don't like what I see. We have RPMs, real property maintenance accounts, that are supposed to be done immediately, taken care of, and they are not doing it. We have barracks in Fort Bragg where when it rains—and I was there when it rained—the roof has been leaking now for years. They are unable to fix that because they don't have the money to do it. Our troops are actually lying down over their equipment to keep it from rusting. It is a crisis.

You can go to the 21st TACOM over in Germany and look at our M–915 trucks. Many of them have over a million miles on them. They are spending as much in maintenance on each one over the next 3 years as it would take to buy a brand new truck. It is a crisis that we don't have the money to buy new trucks when we need them. It is not feasible to do it that way, but that is our only choice.

We don't have spare parts for airplanes. The cannibalized rate is higher than ever before. That means they bring in a crated F–100 engine to be put into an F-16, and in order to keep the F-16 there running with a fairly recent engine, they have to rob parts from this. It is highly labor intensive. Consequently, we are having a problem in retention that is not only with pilots, which is an-all time low, but also the mechanics putting those parts in.

Our pilot retention in the Navy right now is below 20 percent. It costs between $6 million and $9 million to train each one of them. Yet over 80 percent of them are leaving and not taking the second full tour of duty. The mechanics fixing the planes are leaving, too. I have talked to these people, and they say this country has lost its sense of mission. It is not keeping its strength. We can't buy bullets for guns. Talk to the Air Force people who go out to the red flag exercises at Nellis in the desert. They have cut them down so they don't believe they are getting the necessary training to be combat ready and to compete.

Look at our modernization program. Now we have been cutting back on the Crusader Program, which the Army believes is the crown jewel—that thing we have to have for our launching capability on the ground. Look at our modernization program in airplanes. I was never more proud of a four-star general than I was the other day when he stood up and said America needs to know that the Russians now have the SU–34, an air-to-air, air combat vehicle

that is better than anything we have, including the F–15.

The average American would say we are fine and we have the very best of equipment. We used to, but we don't now. Look at the ranges we have now. We are faced with an issue of having to close—temporarily, I hope—the firing range on Vieques. That is going to have a dramatic effect on which installations to keep open. We won't have anyplace to have live fire training. We will lose such ranges as Cape Wrath in Scotland, Capo Teulada in southern Sardinia. Why? Because there is no justification to allow us to fire our artillery if we are not willing to do it on our own lands.

All of these things form a crisis. When I said I look back wistfully at the days of the cold war, it isn't just me. I was redeemed the other day at our subcommittee meeting when we had George Tenet, the Director of Central Intelligence, there. This happened to be telecast live on C-SPAN. I said:

Right now, we are in the most threatened position that we have been in as a Nation in the history of this country since the Revolutionary War. Would you respond to that?

He said:

Absolutely correct. We are in the most threatened position.

It is because of the combined reasons of deployments, force strength and, of course, not having the national missile defense systems. All those will be elements of rebuilding. Who knows what our needs are going to be when we start this rebuilding. I hope the next President will be a Republican, and that we will be in a position to rebuild our defense system. When that happens, we don't know what the elements of that system are going to be.

Lastly—and I don't want to overdo the time here—we are asked this question by the distinguished Senator from Arizona: I challenge my colleagues to name any military expert who says we should not have another BRAC round.

You can name a lot of them.

The Assistant Secretary of Defense under Ronald Reagan said in an article in the Washington Post on May 14, 1998, when we were having the same debate, that Secretary of Defense William S. Cohen is correct when he says that the Department of Defense needs the support of Congress to have a cost-effective national defense. But the Secretary is blaming Congress for problems that are not of its making. More importantly, Cohen is ignoring the administration's own complicity in creating funding difficulties for defense and vastly is exaggerating the potential problems that could occur if Congress fails to heed his advice. Cohen wants Congress to authorize two new rounds of base closures to free up an additional $3 billion a year for buying badly needed new weapons. But what Cohen has not stated is that these savings would not begin until a decade from now.

I think that is the significant thing. These savings would set in after a period of time that we would be going through this rebuilding process.

I hold him up as one expert who says we should not do a round at this time.

Another is the Commandant of the Marine Corps, Gen. Jim Jones, who said that he knew of no Marine installation he would recommend for closure. He said: We cannot give it away or we will never get it back.

I don't think anyone is going to say that Gen. Jim Jones is not a military expert. He has one of the most distinguished careers of any of them.

Adm. Jay L. Johnson, the CNO, said his view was ''not far'' from that of Jones. He said he is concerned about permanently losing training ranges, air space, and access to the sea.

The Chief of the Army, General Shinseki, said he would support some closures in the future but said that the Army needs to decide what its future force level is going to be before it can judge base consolidation with certainty.

We have three of the four chiefs of our services saying if we are going to do it we should wait and do it after we determine what our force strength should be in the future and not do it before that time.

For the combination of those reasons, there is certainly no rush to do it and do it in this bill. Certainly I would be willing to talk about this after the next administration comes in. It wouldn't make any difference anyway because the first round wouldn't be until 2003.

I think Dick Armey did a wonderful job back in 1987. I think it served a very useful purpose—particularly the first three BRAC rounds that we were able to accomplish. They saved a lot of money. We are now enjoying some of the savings. However, the amounts that we saved have far exceeded what we lost by the cleanup costs. I don't think those estimates would be anymore accurate if we were to go through two new rounds.

Keep in mind that every succeeding round is going to yield fewer benefits than the round before. I certainly think the Senator from Rhode Island, with his background and experience, knows that if you are going to start a closing process, you pick off the cherries to start with and accumulate those savings.

I conclude by saying that we need to look at them in the next administration after we find out what our force strength is going to be, and after we find out what degree of rebuilding we will have to undergo in order to protect America and meet the minimum expectations of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I seek to be recognized under the time of Senator MCCAIN.

Mr. LEVIN. Mr. President, I am authorized to yield the Senator from Rhode Island whatever time he may need.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

Mr. President, I rise in support of this amendment to authorize two rounds of base closings in the years 2003 and 2005. I commend particularly Senator MCCAIN and Senator LEVIN, the prime sponsors of this legislation.

We all realize that base closing is a very sensitive issue because it affects dramatically all of the communities that have military installations. My home State, as some States, has not been immune to base closings. We had a significant presence of the Navy in Narragansett Bay. That presence has been diminished over the last several years. But we still have a strong and vibrant naval presence in the form of the Naval War College, and the Naval Underseas Warfare Laboratory. All of these contribute significantly not only to our national defense but to our economy in Rhode Island.

We approach this understanding that it is a very sensitive issue. But it is an issue that we must address. It is an issue that requires determination at this point so we can, indeed, free up the resources that are necessary for the modernization of our services.

The reality is quite compelling that we have excess capacity in our military establishment in terms of infrastructure. We have reduced the force structure by 36 percent since 1989. Yet we only managed to reduce the infrastructure—the buildings and the facilities—by 21 percent. This mismatch is obvious. This mismatch causes us to continue to spend in maintenance and operational expenses hundreds of millions of dollars a year minimally for facilities that we don't need. As a result, I think we have to recognize that we should authorize another round of base closings. The Department of Defense estimates they are maintaining 23 percent of excess infrastructure which is sapping resources that they could use for a host of critical needs—modernization, training, and quality of life for servicemen and servicewomen throughout our military.

Indeed, we hear so often that one of the persistent complaints is that Government should be as business; that Government should be run as efficiently as business. No business would suggest that it reduce its personnel dramatically and not make comparable reductions in the infrastructure and the facilities that have been in place for more than 50 years, in many cases.

We still have the residue of the World War II buildup. There were so many posts put up because we had to at that point train millions of soldiers, sailors, airmen, and coastguardsmen to staff an Army that was many, many times larger than it is today and a Navy that was comparably larger. Yet those facilities are still on our rolls because we had been unable to effectively initiate base-closing rounds after our first few rounds.

We know that the base-closing process yields savings. It has been estimated by the Department of Defense that past closures will produce net savings of about $14 billion by the end of the fiscal year 2001, and they estimate annual savings thereafter will be about $5.7 billion. This is the result of decisions we already made, base-closing rounds that have already taken place, and the bases that have already been closed. That is a lot of money, particularly as we all are concerned about additional resources for defense.

Another way to look at that is to consider how much more difficult it would be to buy new platforms, to provide pay increases, and to enhance the quality of life through improved houses and through improved health care if we were still maintaining and spending billions of dollars on these facilities that have been closed.

The Department of Defense estimates that two additional rounds of base closings would generate annual savings of about $23 billion after they are implemented. Again, those are significant resources that can be used for programs that we consider to be critical to the defense of the Nation and the well-being of our men and women in uniform.

Both the Congressional Budget Office and the GAO agree that the Department of Defense continues to maintain excess capacity and that base closings will result in substantial savings. These are objective analyses of the current situation with respect to bases in our country.

The argument has been made that, well, we go out and we close these bases, and all of the savings are just eaten up by environmental remediation. I remind everyone that the requirement to remediate the environment is not a function of closing the bases. It is an ongoing responsibility of the Department of Defense. It is mandated regardless of whether a base remains open or closed. It is part of our lore.

The Defense Department, as every other Federal entity and private entity, has responsibilities to restore degraded environment.

What happens in a base closing is, as part of the process not only to close the base but also to make the base useful for civilian pursuits and community economic development, this environmental cleanup is accelerated. One could argue that accelerated environmental cleanup simply discharges a duty that already exists and also, importantly, makes these facilities much more amenable to economic development and private benefit for the local communities, which is a plus, not a minus.

The issue before the Senate should be addressed, as we so often address it, in the context of advice we have received from individuals charged with the administration of our military policy. The Secretary of Defense, the service secretaries, and many others have commented upon the desirability of the additional base closing rounds. In his testimony before the Armed Services Committee on February 8 of this year, General Shelton, Chairman of the Joint Chiefs stated: We continue to have excess infrastructure, and any funds applied toward maintaining unneeded facilities diminish our capacity to redirect those funds towards higher priority modernization programs.

At the same hearing, Secretary of Defense Cohen requested funding to implement two more BRAC rounds, so that: scarce defense dollars will not continue to be spent on excess infrastructure; rather, on the vital needs of our Armed Forces.

Some of my colleagues argue that the base-closing process is appropriate, the need is there, but the base-closing process in 1994 was politically tainted; that politics and not sound defense policy dictated what would stay open, what would be closed, and the schedule for closures.

This amendment clearly obviates the potential for that by declaring that the base-closing rounds will take place in the year 2003 and in 2005. There will be a new administration. Any aspersions to the operations of this administration should have no effect whatever when we consider the legislation included in this amendment.

I believe we can go forward with the notion that if we act today, we will have a much firmer picture of our strategic challenges, our strategic posture by the year 2003, so that we will in fact be anticipating those strategic decisions by giving our military leaders, both civilian and military, the tools to implement their concepts to meet the new challenges, the new threats we see all around the world.

This issue, as I said, is difficult. It impinges on the communities we all represent. Anytime we authorize a base closing round, essentially we put all of our facilities in play. We all run the risk of losing a facility which is a vital part of our community, disrupting our community. But that is the very narrow view, a very parochial view.

The broader national view is that we need to eliminate the excess capacity. We need to free up resources for higher priority initiatives of the Department of Defense. We need, also, to move away from this essentially still World War II infrastructure to a much more reduced but more efficient logistical and facility base for the future of this new century. Until we are able to eliminate some of these older posts, some of these posts that were designed for and that were extremely important in World War II and throughout the cold war years, we will not have the resource to do what we have to do to face the future.

I suggest we adopt this amendment because it gives us the ability to fund higher priority functions. It gives us the ability to eliminate unnecessary facilities. We simply can't have it both ways. We can't continue to argue for modernization, for enhancement of the quality of life for our troops, for additional training dollars, and still cling to facilitates that are not needed, still insist that we maintain a World War II and cold war infrastructure as we face the challenges of this new century.

I urge my colleagues to support this amendment, give our defense leaders the tools to reduce their overhead as they have reduced the force structure, so that we have a more efficient, more effective military force for this new century.

I yield the floor.

Mr. LEVIN. How much time do the proponents have?

The PRESIDING OFFICER. Eight minutes.

Mr. LEVIN. I yield 6 minutes to the Senator from Ohio.

Mr. VOINOVICH. I rise today to support the amendment offered by my distinguished colleagues, Senator MCCAIN and Senator LEVIN.

Between fiscal year 2000 and fiscal year 2001, defense spending in our Nation will increase by more than 6 percent, nearly three times the rate of inflation. Under normal circumstances, I would likely oppose legislation that would increase defense spending at such a rate. However, we have a crisis in the military right now with respect to readiness, recruitment, retention, procurement, modernization; and the crisis must be met immediately. I will support more money for defense.

Having said that, I believe in the long term the Defense Department must focus on those activities that will help bring down their overall costs. Part of the problem we run into in this body is our inability to admit that priorities can and should be established by the Department of Defense. We need to focus on ways in which the Department can cut back on some of its expenditures and use the moneys allocated more wisely. In other words, we need to get a bigger bang for our buck. We need to work harder and smarter, and we need to do more with less.

One of the ways we can do that is to eliminate those military facilities that no longer serve a useful purpose. I know that is not easy. We have experienced the pain of closing bases in Ohio with the closure of Newark Air Force Base, Rickenbacker Air National Guard Base, and the Defense Electronic Supply Center. Even with the closures and the pain we went through, we understood that it was necessary if we were going to allocate resources where they were really needed in the Department of Defense.

According to a 1998 Department of Defense report, and as stated by Secretary of Defense William Cohen, our Armed Forces currently have 23 percent more military base capacity than is needed in this Nation. Think of that, 23 percent. Keeping this much extra capacity adds up. Right now, we spend billions of dollars annually. We will keep on spending that money until we

acknowledge that we have excess capacity and exercise the will to shut it down.

As difficult as this may sound, we have been through this process before. We know that. The Department of Defense reports that because of the base closings that have been conducted, we will have saved $14 billion a year by the end of 2001. The projected net savings, annual savings, for the first four rounds have been estimated at nearly $5.7 billion in fiscal year 2001, a savings that should occur annually. We have that money, and it has been reallocated.

This amendment initiates another two rounds of base closings in 2003 and 2005. In his testimony earlier this year before the Armed Services Committee, Secretary Cohen stated that if we initiate two more rounds of base closings, this will save about $3 billion per year that we can use for some of the needs we have today in our Defense Department.

I am here today to urge my colleagues to support this amendment. I think there are those who say we ought not to do it at this time. I think we all know that if we don't get started now and start the procedure and do it today, do it this year, we are not going to be able to move forward in 2003 and 2005 when we project the base closings will occur.

I say again, I know this is a tough amendment to support for some of my colleagues, but for the good of our Nation I urge my colleagues to support this amendment.

Ms. SNOWE. Mr. President, I rise today in strong opposition to this amendment that seeks to authorize two additional BRAC rounds in fiscal years 2003 and 2005.

I have been a steadfast opponent to future BRAC proposals. This Administration has proposed BRAC legislation for the last 3 years. Each year, this administration has asked us to address the same issue. Yet over the last three years, nothing has changed.

First, the estimated savings achieved by closing bases are just that—estimated; and second, the inconsistent application of the BRAC process—which this Administration so readily demonstrated after the 1995 round, will result in lost training areas or access to airspace or the sea space by our military forces. This will result in degraded force readiness and will be to the overall detriment of our Armed Forces.

Advocates of base closures allege that billions of dollars will be saved, despite the fact that there is no consensus on the numbers among different sources. These estimates vary because, as the Congressional Budget Office explains, BRAC savings are really ''avoided costs.'' Because these avoided costs are not actual expenditures and cannot be recorded and tracked by the DoD accounting systems, they cannot be validated which has lead to inaccurate and overinflated estimates.

For example, as revealed by the General Accounting Office, land sales from the first base closure round in 1988 were estimated by Pentagon officials to produce $2.4 billion in revenue, however, as of 1995, the actual revenue generated was only $65.7 million. That is about 25 percent of the expected value. And what was the real up-front cost to generate these so called savings? No one really knows.

This type of overly optimistic accounting establishes a very poor foundation for initiating a policy that will have a permanent impact on both the military and the civilian communities surrounding these bases.

I also want to address the issue of the up-front costs involved in the base closure process. This appears to be noticeably absent from the debate. The facts reveal that there are billions of dollars in costs incurred to close a base.

This includes over $1 billion in Federal financial assistance provided to each affected community—a cost paid by the Federal Government, not through BRAC budget accounts, and therefore is not counted in the estimates. And more significantly, there is $9.6 billion in environmental cleanup costs as a result of the first four BRAC rounds—a conservative figure according to a December 1998 GAO report—a number that will continue to grow.

The administration and proponents of additional BRAC rounds are quick to point out that reducing infrastructure has not kept pace with our post cold war military force reductions. They say that bases must be downsized proportionate to the reduction in total force strength.

However, this thinking is based on the 1997 Quadrennial Defense Review. Since the end of the cold war we have reduced the military force structure by 36 percent and have reduced the defense budget by 40 percent. But now I ask you how much are we employing that force?

Let me point out that although the size of the armed services has decreased, the number of contingencies that our service members have been called upon to respond to has dramatically increased—the Navy/Marine Corps team alone responded to 58 contingency missions between 1980 and 1989, and between 1990 and 1999 they responded to 192—a remarkable threefold increase!

During the cold war, the U.N. Security Council rarely approved the creation of peace operations. The U.N. implemented only 13 such operations between 1948 and 1978, and none from 1979 to 1987. Since 1988, by contrast, 38 peace operations have been established—nearly three times as many than the previous 40 years.

In hearing after hearing this year, the Armed Services Committee has heard from our leaders in uniform how our current military forces are being stretched too thin, and that estimates predicted in the fiscal year 1997 QDR underestimated how much the United Sates would be using its military. Clearly, the benefits of the peace dividend are not being realized.

So, we are seeing first hand that the 1997 QDR force levels underestimated how much our military force was intended to be used, that our military force is being called upon now more than what military strategies estimated, and that our forces are being stretched to cover a wide range of operations.

These force levels have to be revisited, and if the trend for current deployments remains true, I would expect that these force levels may have to be increased. So would we then go and buy back this property that we have given up in future BRAC rounds to build new bases—I think not.

Before we legislate defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense needs a comprehensive plan that identifies the operational and maintenance infrastructure required to support the services national security requirements. The peacekeeping and humanitarian missions clearly require a greater force structure than expected.

It has become clear that we are committing more military forces—and more often—than we had planned or anticipated. There is no straight line corollary between the size of our forces and the infrastructure required to support them.

We must realize that once property is given up and remediated, it is permanently lost as a military asset for all practical purposes. In the words of the Chief of Naval Operations, ''we cannot give it away or we will never get it back''.

In the full committee hearings and the subcommittee hearings that the Armed Services Committee held this past year, the Chief of Naval Operations and fleet commanders testified that the QDR established force levels are not sufficient to support their operational requirements. A report released earlier this year by the Chairman of the Joint Chiefs of Staff concluded that the submarine force levels needed to be raised from the 1997 Quadrennial Defense Review and I anticipate that the next QDR will support an increase in the ''300 ship'' Navy as well.

Therefore, given the elasticity in the QDR numbers, it would be premature and costly to base permanent BRAC decisions on estimates that we know are not being realized.

Finally, it would be hypocritical to say that opponents of additional BRAC rounds are politicizing the process. Politics weigh heavily on both sides of the debate. In December 1998, the General Accounting Office reported that of the 499 recommendations made by the four BRAC commissions, 48 were amended and removed from the closure list. And we are all well aware of the Administration's ''intervention'' in the last round that resulted in the ''privatization-in-place'' of the McClellan and Kelly Air Force Base depots instead of their closure.

I want to protect the military's critical readiness and operational assets. I

want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our Nation. We cannot degrade the readiness of our armed forces by chasing illusive savings.

I reaffirm my opposition to legislation authorizing additional BRAC rounds and encourage my colleagues to join me to vote against it. I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, Senator INHOFE, I believe, desires some time, and then I will yield to Senator HATCH for 10 minutes.

Mr. INHOFE. Mr. President, if I can respond to a couple of the statements of the Senator from Ohio and the Senator from Rhode Island, first of all, I know the Senator from Rhode Island is sincere when he says this would not take place until 2003; it would be a new administration. But we have to keep in mind that administration could very well be a Gore administration. It was Vice President Gore who was very instrumental in politicizing the system before. I think that is significant.

I would say also to my friend from Ohio, while there are savings that would be effected, the savings, according to Secretary Cohen, would not even start until 2008. By that time, we are hoping we will have been able to use every available dollar to get us out of the situation we are in right now. I think that is very significant. Our crisis is now. Our crisis is a rebuilding program for the next 4 to 5 years.

I yield.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as somebody who lived through the last BRAC process, and lived through it in a very intensive way, I have to say the process did not work. Everyone lost: the taxpayers, the workers in Utah, as well as those in the losing states of California and Texas, and the Air Force's state of military readiness. The process was too politicized, as I elaborate upon in my later remarks. It was a pitiful exercise, in many respects.

There were some good things about it, I have to acknowledge, but most of it was not.

Utah had the Air Force's highest rated air logistics command in the nation, bar none. Nobody could compare with it. It was listed No. 1. It made the top of every chart. The workforce and its achievements were models of efficiency. But, after the President finished tampering with the BRAC results, we had to fight like dogs against raging wolves to prove repeatedly what the BRAC had already determined.

No sooner did we get through all that process—time after time appearing at hearings, appearing at major meetings considering BRAC, and considering what should be done, making our case over and over, and winning, winning, winning—this administration came in and immediately undertook questionable steps to sully the BRAC process.

My experience gives me little confidence in this process. And it's not done yet: we won't have the process completed until late 2001, six years after the BRAC decision. I do not care who is in charge. When you politicize the base closing process, it just leads to the type of anquish I and my colleagues are expressing here today.

How can we forget the major problems between San Antonio and McClellan, both of which were installations important to their respective States but did not reach the high standards of Utah's Hill Air Force Base. If Hill Air Force Base had come in last, I would not be here arguing today, nor back then, to keep it alive.

Let's not forget that we need high military readiness—it is a deterrent that allows for peace through strength. But that means having a system that accentuates everything that is good about our military, like Hill Air Force Base. I would not back a base that was not doing the job.

But in this particular case, McClellan had been judged by the Air Force and the BRAC commssion as deficient, as was the San Antonio Air Logistics Center at Kelly Air Force Base, Texas. Yet, we wanted to help Kelly, if we could, because it had a high percentage of Hispanic workers. But the brutal facts showed that Kelly could not measure up. Neither did McClellan.

Then came the administration's misguided and downright wrongful attempts to save some of those jobs.

Mr. President, Ronald Reagan immediately comes to mind when I consider today's debate on BRAC . . . ''Here we go again.'' We're being asked to engage in the same type of taxpayer deception that characterized the 1995 BRAC. We promise savings, and deliver nothing. All BRAC produces is a politicized outcome that makes a mockery of the independent commission process.

We need to remind ourselves why we sought a BRAC in the first place: It was because we did not feel Congress could be trusted. In fact, it was the President who couldn't be trusted. Let's look at some facts, facts especially painful to states which lost bases, and those that had to defend what they had won again, again and again. I refer to Utah's Ogden Air Logistics Center at Hill AFB—three times we had to compete for workloads that the BRAC awarded us, but which the President delayed sending to Utah.

The President intervened in the BRAC 95 process to secure California's 54 electoral votes in the 1996 election. My good friends from California—Senators BOXER and FEINSTEIN—publicly stated that they would get relief from the White House after BRAC decided to close McClellan Air Force Base in Sacramento. They succeeded, and at the cost of work that ought to have gone to Georgia and Utah, but which was delayed.

The President called the BRAC decision to close McClellan an ''outrage'', in a Rose Garden statement. He actually rejected the decision of his own independent commission. In its place, the President put great pressure on the Air Force to sully an already messy situation. He called this ''privatization in place.'' He attempted to keep the jobs which were intended to be distributed to Utah, Oklahoma and Georgia in California by forcing a public-private competition that GAO rejected as unfair. It had the effect of leaving in California as many as 3,200 jobs for as long as six years after the BRAC decision, or conveniently after the year 2000 presidential election.

The BRAC monies designated to move jobs and equipment to Utah and elsewhere were mismanaged. They were spent to improve the very facilities at McClellan AFB that the BRAC had intended to close! This, the President and his gang thought, would make it easier for the base to attract private contractors to perform the privatized work in place.

The delay caused by this contrived competition cost the taxpayers an additional $500 million, according to GAO, to sustain the bases' workloads in place, despite the decision of BRAC to ship the workloads to the other Air Force depots.

In May 1998, as many of you will remember, the Secretary of the Air Force was embarrassed by a memo written by his office urging that the Lockheed-Martin bid for the California work win the award. This behavior, to my mind, remains one of the most egregious violations of the Ethics Reform Act I have seen in my 24 years in the Senate. This act prohibits precisely the type of collusion in which the Secretary of the Air Force participated.

It was so outrageous that Secretary Bill Cohen, to his everlasting credit, removed the Secretary of the Air Force from the selection team that would oversee the public-private competition for the McClellan workload.

But this was not the end of the Clinton Administration's meddling: they directed the Air Force to deny the GAO, the congressional watchdog agency responsible for overseeing the expenditure of taxpayers' funds, access to the cost-data and other information used by the Air Force to put together competition for the McClellan workload.

As might be expected, the long-term effect of this mischievous meddling had a cost on readiness. Delays in workload transfer were directly responsible for a severe F–16 parts shortage in 1999. Also, there is a suspicious relationship between the delayed workload transfer and the KC–135 tanker problems early this year when the fleet was grounded because of a rear stabilizer malfunction, a problem akin to the cause of the Alaskan Airline aircraft off the California coast. My personal inquiry into the KC–135 issue demonstrated that if the entire KC–135 team responsible for

the repair of this part of the aircraft had been transferred to Utah in a timely way, as directed by the BRAC, the design flaw would probably never have occurred.

There is an answer to BRAC: let Congress endorse the decisions of the military services, without the filter of presidential intervention, whether by a BRAC-like commission or any other procedure. The military services know better than any other body the best and the worst of their installations, the ones that pay their own way, and the ones that drain the taxpayers' pockets. After my state's experience with the BRAC process, I am more inclined to trust this body to evaluate the services' recommendations.

I see that we have a very important guest. I will be happy to yield the floor at this time for Senator HELMS.

VISIT TO THE SENATE BY THEIR MAJESTIES KING ABDULLAH II AND QUEEN RANIA AL-ABDULLAH OF THE HASHEMITE KINGDOM OF JORDAN

Mr. HELMS. Mr. President, I ask unanimous consent the Senate stand in recess for 7 minutes so the Senators may pay their respects to the Honorable King of Jordan and his lovely lady.

There being no objection, the Senate, at 4:56 p.m. recessed until 5:04 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3197

Mr. WARNER. Mr. President, the pending business is the amendment offered by the Senator from Arizona; am I not correct?

The PRESIDING OFFICER. The Senator has 33 minutes.

Mr. WARNER. It is my intention to yield back the time, I say to my colleagues. I will wait momentarily, and we can proceed to the vote. Has the vote been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. WARNER. I ask for the yeas and nays on the McCain-Levin amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. Mr. President, we jointly yield back all time. The vote may proceed.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3197. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:—

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—35

Bayh	Kennedy	Moynihan
Biden	Kerrey	Reed
Bryan	Kerry	Reid
Byrd	Kohl	Robb
Chafee, L.	Kyl	Rockefeller
DeWine	Landrieu	Roth
Feingold	Leahy	Smith (OR)
Gramm	Levin	Thompson
Grassley	Lieberman	Voinovich
Hagel	Lincoln	Wellstone
Harkin	Lugar	Wyden
Jeffords	McCain	

NAYS—63

Abraham	Dodd	Lott
Akaka	Dorgan	Mack
Allard	Durbin	McConnell
Ashcroft	Edwards	Mikulski
Baucus	Enzi	Murkowski
Bennett	Feinstein	Murray
Bingaman	Fitzgerald	Nickles
Bond	Frist	Roberts
Boxer	Gorton	Santorum
Breaux	Graham	Sarbanes
Brownback	Grams	Schumer
Bunning	Gregg	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cleland	Hollings	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Conrad	Inhofe	Thomas
Coverdell	Inouye	Thurmond
Craig	Johnson	Torricelli
Daschle	Lautenberg	Warner

NOT VOTING—2

Crapo	Domenici

The amendment (No. 3197) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I wish to keep all Senators informed. We are making progress on this bill. We are still anxious to get indications from Senators with regard to their amendments. We are having very good cooperation on both sides. I will address that later this evening.

Under the existing order, I believe it is now the amendment of the Senator from Virginia. Am I not correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask unanimous consent that this amendment be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that following the disposition of the Wellstone amendment—that will now be the pending business as soon as I yield the floor. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Following the disposition of the Wellstone amendment, which is subject to a 30-minute time agreement, I ask unanimous consent that Senator ROBERT SMITH be recognized to offer his amendment regarding security clearances on which there will be 30 minutes equally divided with no amendments in order prior to the vote in relation to the amendment.

Mr. BIDEN. Mr. President, reserving the right to object, I will object, unless I can be assured that I have an agreement to 1 hour equally divided. If I can be put in the order after Senator SMITH, I will not object.

Mr. LEVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. 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. WELLSTONE. 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. WELLSTONE. Mr. President, I am trying to move things forward. Senator HELMS and I are working out language. I think we will have an agreement, but I thought I would start speaking on this amendment so we can move this forward.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this is a sense-of-the-Senate amendment that deals with the importance of condemning the use of child soldiers in dozens of countries around the world. It is also about very important protocol that is being developed and the importance of building support for it and moving forward as expeditiously as possible on this question.

Today, there are 300,000 children who are currently serving as soldiers in current armed conflicts. Child soldiers are being used in 30 countries around the world, including Colombia, Lebanon, and Sierra Leone. Child soldiers witness and are often forced to participate in horrible atrocities.

I am talking about 10-year-olds being abducted, forced to participate in horrible atrocities, including beheadings, amputations, rape, and the burning of people alive. These young combatants are forced to participate in all kinds of contemporary warfare. They wield AK–47s and M 16s on the front lines. They serve as human mine detectors. They participate in suicide missions. They carry supplies and act as spies, messengers, or lookouts.

One 14-year-old girl abducted in January 1999 by the Revolutionary United Front, a rebel group in Sierra Leone, reported to human rights observers:

> I've seen people get their hands cut off, a ten-year-old girl raped and then die, and so many men and women burned alive * * * So many times I just cried inside my heart because I didn't dare cry out loud.

Mr. President, no child should experience such trauma. No child should experience such pain.

Last year, I introduced a resolution expressing the sense of the Congress

that U.S. policy permit consensus on language on this optional protocol on child soldiers, directing the State Department to work positively to address its concerns, in language within the United Nations Working Group on Child Soldiers. Today I thank the State Department for its work, and I thank the Department of Defense for its conscientious work, and I thank the Joint Chiefs of Staff for signing off on this protocol. I think it is terribly important work.

On January 21 in Geneva, representatives from more than 80 countries, including the United States, worked out an agreement raising the minimum wage for conscription in direct participation in armed conflict to 18 and prohibiting the recruitment and use in armed conflict of persons under the age of 18 by nongovernmental armed forces. The agreement calls on governments to raise the minimum wage for voluntary recruitment above the current standard of 15 but still allows the armed forces to accept voluntary recruits from the age of 16, subject to certain safeguards.

The Pentagon, and again the State Department, Harold Cohen in particular, have been great to work with. I believe this is a humanitarian crisis that we ought to address now. It is absolutely unbelievable that in the year 2000 we see people as young as age 10 abducted—I have talked to some of the mothers of these children who are abducted—and forced to commit atrocities. It is unbelievable that we see children age 10 cutting off the arms of other people, engaging in murder. It is unbelievable the extent to which young women are abducted, and they themselves are terrorized and raped. This is a practice that takes place in 30 countries around the world involving 300,000 children.

Finally, after years of work, the United Nations has put together an important protocol. We are, I believe, close to supporting this.

In conclusion, this is just a sense-of-the-Senate resolution that the Congress joins in condemning the use of children as soldiers by governmental and nongovernmental armed forces. We talk about the importance of taking this action. We make it clear that it is essential that the President consult closely with the Senate in the objective of building support for the protocol, and we also urge the Senate to move forward as expeditiously as possible.

I think it is important that all of us support this. I urge my colleagues to do so. I want colleagues to know that Congressman LEWIS and Congressman LANTOS on the House side have a very similar resolution.

Mr. DURBIN. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I am pleased to yield.

Mr. DURBIN. I commend my colleague for bringing this issue to our attention. I think it is particularly timely that he would raise this on the floor of the Senate. In a trip to Africa just a few months ago, I discovered the ravages of the AIDS epidemic. There are some 10 million AIDS orphans. These children are likely to become the soldiers in these armies the Senator from Minnesota has just described. The young girls are likely to become either victimized or prostitutes themselves, who are going to really, in a way, continue this cycle of disease and dependency and death.

I commend my colleague from the State of Minnesota, Senator WELLSTONE, for calling this important moral issue to the attention of the Senate. I rise in strong support. I ask him if he has considered the impact of the AIDS epidemic and similar health problems that have created so many orphans in Africa, and now we have the fastest growth of HIV infection in the world in India, and the impact this could have on the issue he has raised.

Mr. WELLSTONE. Mr. President, in the time I have remaining let me say to my colleague from Illinois, I believe my colleague from Illinois, the Senator from California, the Senator from Wisconsin, and others have really brought to our attention the number of citizens, not just children, who are HIV infected, struggling with AIDS. It is a humanitarian crisis of tremendous proportions.

I think for too long the world has just turned its gaze away from this and from the whole question of how to get affordable drug treatment to deal with this, prescription drug treatment, to ways in which our country ought to be more engaged, to ways in which we can encourage governments in Africa to deal directly with this. Finally, we are doing so. My colleague is right, it is also true, for the worst of economic reasons or reasons of desperation, that these young people, including young people infected with AIDS, are the recruits. They become the child soldiers—again, colleagues, 300,000 children, many of them abducted, in 30 countries, used as child soldiers.

This resolution, I think, is terribly important. Our Department of Defense and State Department have worked hard. A year ago, our Government was not supporting this. I think we now have language that is important language. This simply urges the Senate to condemn this practice and talks about the importance of the President moving forward and building support for this protocol, and it calls upon the Senate to act expeditiously on this matter.

I hope there will be 100 votes for this. I thank my colleague Senator HELMS, chairman of the Foreign Relations Committee, for working with me. We have changed some language, and I think we have a good resolution.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to speak from my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, I have prepared the best speech you will never hear. I was prepared to have to oppose my friend from Minnesota, but we have come to an understanding about this matter. We have agreed to amend and modify the proposed amendment in a way that makes it satisfactory to me.

AMENDMENT NO. 3211

(Purpose: To express condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. DURBIN, proposes an amendment numbered 3211.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SENSE OF CONGRESS REGARDING THE USE OF CHILDREN AS SOLDIERS.

(a) FINDINGS.—Congress finds that—

(1) in the year 2000 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide;

(2) many of these children are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety;

(3) many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;

(4) many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;

(5) child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;

(6) many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;

(7) children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA), which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;

(8) children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;

(9) an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being

forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

(10) on January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than 80 governments including the United States, reached consensus on an optional protocol on the use of child soldiers;

(11) this optional protocol will raise the international minimum age for conscription and direct participation in armed conflict to age eighteen, prohibit the recruitment and use in armed conflict of persons under the age of eighteen by non-governmental armed forces, encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15 and, commits governments to support the demobilization and rehabilitation of child soldiers, and when possible, to allocate resources to this purpose;

(12) on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations;

(13) United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

(14) on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

(15) in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict, first to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18, second, to increase international pressure on armed groups which currently abuse children, and third to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socio-economic collapse to become child soldiers;

(16) the United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol;

(17) on May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers;

(18) the optional protocol was opened for signature on June 5, 2000; and

(17) President Clinton has publicly announced his support of the optional protocol and a speedy process of review and signature.

(b) SENSE OF CONGRESS.—(1) Congress joins the international community in—

(A) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide; and

(B) welcoming the optional protocol as a critical first step in ending the use of children as soldiers.

(2) It is the sense of Congress that—

(A) it is essential that the President consult closely with the Senate with the objective of building support for this protocol, and the Senate move forward as expeditiously as possible;

(B) the President and Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers; and

(C) the Departments of State and Defense should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the new optional protocol on the use of child soldiers.

Mr. WELLSTONE. Mr. President, I say to colleagues, I will not require a recorded vote. If we want to go forward with a voice vote, that will be fine with me if it is fine with my colleague.

Mr. WARNER. Mr. President, I strongly urge we consider this matter by voice vote.

I urge the question.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3211) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3210

(Purpose: To prohibit granting security clearances to felons)

Mr. SMITH of New Hampshire. Mr. President, I call up my amendment No. 3210 at the desk and ask for its immediate consideration.

Mr. LEVIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. LEVIN. Do I understand there is a pending Warner amendment which is being temporarily laid aside for this?

The PRESIDING OFFICER. There is no pending Warner amendment. There was just an agreement that Senator WARNER be recognized to offer an amendment. If he does not seek recognition, he waives that right.

Mr. WARNER. Mr. President, I just ask that be temporarily laid aside.

Mr. LEVIN. Mr. President, what is being temporarily laid aside if there is not a pending amendment?

Mr. WARNER. It is the right to offer the amendment.

The PRESIDING OFFICER. The right to offer the amendment.

Mr. LEVIN. So as I understand it, after the disposition of the Smith amendment, there would be an opportunity for Senator WARNER to offer an amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Am I correct, as the manager of the bill he would have that opportunity in any event? If he sought recognition, he would be first to be recognized after the leadership; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, this amendment No. 3210——

The PRESIDING OFFICER. The Senator will withhold.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], proposes an amendment numbered 3210.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense or any contractor thereof, and no member of the Armed Forces shall be granted a security clearance unless that person:

(1) has not been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

(2) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(3) has not been adjudicated as mentally incompetent;

Mr. SMITH of New Hampshire. Mr. President, this amendment is really quite simple. It involves the issue of whether or not a felon should get a security clearance. That is the essence. If you favor felons having a security clearance, you would vote against my amendment. If you think it is wrong that convicted felon should have a security clearance, then you would vote with me.

On April 6 there was a hearing the Armed Services Committee held that touched upon an important and urgent issue, that of the longstanding protections set in place to guard the most vital secrets of the Nation and of our national security community. But we had a virtual security meltdown in this administration, from our DOE labs to people without clearances getting White House passes, to the recent scandal of missing and highly classified State Department laptops. It goes on and on. While we couldn't possibly begin to address all our Nation's security deficiencies within this one authorization bill, I believe we can make progress in one very specific area.

A reporter by the name of Ed Pound of USA Today has done an outstanding job with recent news reports and investigative reporting on this issue.

Mr. President, I ask unanimous consent that articles written by Mr. Pound from USA Today be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROBE OF SECURITY CLEARANCES URGED—SENATOR SAYS CONTRACT HIRINGS POSE A THREAT

(By Edward T. Pound)

WASHINGTON.—Sen. Bob Smith, R–N.H., urged the Senate Armed Services Committee Tuesday to investigate why the Defense Department is granting high-level security clearances to employees of military contractors who have long histories of problems, even criminal activity.

Smith, a senior member of the armed services panel, asked its chairman, Sen. John Warner, R–Va., to conduct the inquiry and hold a hearing. In a letter to Warner, Smith

said industrial espionage is on the upswing. ''One person can cause immeasurable damage to national security,'' he wrote.

Smith said that white felons can't vote in some states, they have been allowed by the Pentagon to retain access to sensitive classified information. ''This doesn't pass the smell test,'' he said.

Warner could not be reached Tuesday for comment.

Smith is chairman of the Environment and Public Works Committee. He is the second senior senator to seek reform in the wake of a USA TODAY story last week. It detailed how the Defense Office of Hearings and Appeals, or DOHA, regularly granted clearances to contractors with histories of drug and alcohol abuse, sexual misconduct, financial problems or criminal activity.

Sen. Tom Harkin, D–Iowa, urged Defense Secretary William Cohen last week to correct the situation. ''All necessary steps must be taken to correct this problem immediately,'' he said in a statement. ''Our nation's security depends on it.''

The General Accounting Office, the investigative arm of Congress, also will review DOHA and other Pentagon clearance agencies. While defending DOHA, a Pentagon spokesman said that any problems uncovered by the GAO would be corrected.

In his letter, Smith also asked Warner to explore why the Defense Department is struggling to process security background investigations, which serve as the basis for issuing clearances. The Pentagon has a backlog of more than 600,000 investigations for renewals of clearances. Smith and others say the problem poses a national security risk because spies usually are trusted insiders.

Smith said many clearances granted by DOHA violated an executive order issued by President Clinton in 1995. It requires that clearances be issued only to those whose history indicates ''loyalty in the United States, strength of character, trustworthiness, honesty, reliability, discretion and sound judgment.''

Clearance officials evaluate security applicants under ''adjudicative guidelines,'' the standards for granting clearances. They cover, among other matters, allegiance to the United States, foreign influence, security violations, sexual behavior, financial problems criminal conduct, and drug and alcohol abuse.

Smith said the armed services panel could force reform. ''I would strongly urge you to task your staff to investigate'' the clearance problems, Smith wrote Warner. He said an inquiry could ''restore integrity and quality control'' to the clearance process.

[From USA Today, Dec. 29, 1999]

FELONS GAIN ACCESS TO THE NATION'S SECRETS

(By Edward T. Pound)

WASHINGTON.—As a teenager, he was in trouble many times and built an imposing rap sheet: delinquency, disorderly conduct, resisting arrest, attempted theft, possession of a deadly weapon, possession of marijuana, five counts of burglary and three of theft. He got jail time and probation.

In 1978, at age 21 and a heavy drug user, he and two accomplices kidnapped, robbed and murdered a fellow drug user. He was charged in the murder, convicted and sentenced to 30 years in prison.

Today, at 42, he is out of prison and working in a white-collar job in the defense industry. He remains on parole until 2006. As a convicted felon, he can't vote in many states. But under federal law, he can and does hold a government-issued security clearance, a privilege that allows access to sensitive classified information off-limits to most Americans.

His case is not exceptional. A USA Today review of more than 1,500 security clearance decisions at the Department of Defense shows that a Pentagon agency regularly grants clearances to employees of defense contractors who have long histories of financial problems, drug use, alcoholism, sexual misconduct or criminal activity.

Applicants have been given sensitive clearances despite repeatedly lying about past misconduct to Defense Department investigators. One employee lied at least four times about his drug history, including twice in sworn statements. Officials didn't refer the matter to the Justice Department for prosecution, something they rarely do; instead, they allowed him to retain his secret-level clearance.

In other instances, contractor employees involved in significant criminal frauds were granted clearances. So, too, were applicants who had violated state and federal laws by not filing income tax returns for several years, including a woman who had not submitted timely returns for 11 years because she was depressed.

Another employee mishandled classified material during a five-year period but didn't lose his top-secret access. A clearance official excused his actions because he had been working in a ''pressure-cooker environment.''

All of these clearances were approved by the Defense Office of Hearings and Appeals, or DOHA, a little-known Pentagon agency that decides whether to grant or deny clearances to employees of defense contractors. The decisions were made by DOHA (pronounced DOUGH-ha) administrative judges. They rule in cases in which applicants seek to overturn preliminary decisions denying them access to classified information.

DOHA's quasi-judicial program, now in its 40th year, was developed to give employees of contractors the right to review the evidence against them and to challenge denials in hearings, if they so choose, before an administrative judge. Most clearance decisions are made by other DOHA officials and never reach the judges.

About two-thirds of the time, the judges decide against granting clearances. However, their approval of clearances for some employees with deeply troubled histories concerns other clearance officials in the military as well as security investigators in the Defense Department.

They argue that DOHA has gone too far, granting clearances to unstable people who might pose a risk to national security. They worry that some employees with pressing financial problems might sell secrets to foreign powers or that others, vulnerable because of embarrassing personal problems, could be blackmailed into espionage.

Army and Navy clearance officials criticize the agency for being too ''lenient.'' Along with former DOHA officials, they complain that the agency sometimes ignores the government's ''adjudicative guidelines''—the standards for granting clearances—in issuing decisions.

''To be honest with you, I think DOHA often finds in favor of the individual and not national security,'' says Edwin Forrest, executive director of the Navy's Personnel Security Appeal Board, which reviews clearance appeals from Navy employees. ''What we see coming from DOHA are decisions that go outside the envelope—outside the adjudicative guidelines.''

Howard Strouse, a former senior DOHA official who retired last January, is blunt: ''Any Americans who looked at these DOHA decisions would be horrified. To know that we are giving clearances to some of these people is just intolerable.''

But DOHA officials strongly defend their program and say they put national security first. ''The decisions speak for themselves,'' says Leon Schachter, the agency's director the past 10 years. ''Do I believe in, or agree, with every decision? Of course not. But it is important to treat people fairly, and we have a system designed to be fair.''

He says the idea is not to punish security applicants for past misconduct. ''The goal is to understand past conduct and predict the future on it,'' he says. ''We are being asked to use a crystal ball. It is a very difficult job.''

Indeed it is. On the one hand, President Clinton, in an August 1995 executive order governing access to classified information, directed that government clearances should be given only to people ''whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment.''

But the guidelines for granting clearances give administrative judges and other federal clearance officials leeway to consider ''mitigating'' circumstances: an applicant who had committed a crime, for instance, might get a clearance if the crime was not recent and there was evidence of rehabilitation.

DOHA reviews cases involving access to classified information at three levels of sensitivity: top-secret, secret and confidential. A presidential directive says top-secret information, if disclosed, could cause ''exceptionally grave damage'' to national security; secret, if disclosed, could cause ''serious damage''; and confidential, if revealed, could cause ''damage.''

Classified material covers a lot of ground. It includes the design plans and other data on dozens of weapons systems, such as bombers and nuclear submarines, and information on spy satellites, sophisticated technology and communications systems. But it also includes such things as the composition of the radar-absorbing coatings on Stealth bombers and the names of employees who work on sensitive projects.

People within the contracting community with access to classified information aren't jut top officials. They include consultants, scientists, computer specialists, analysts, secretaries and even blue-collar workers such as janitors and truck drivers with access to classified areas.

The quality of DOHA's decisions is vital. Though none of the cases involved DOHA decisions, according to agency officials, a government report says 12 contractor employees have been convicted of espionage in the past 17 years. And in the aftermath of the Cold War, industrial espionage is on the upswing. Spies from dozens of nations—some of them friendly—have stepped up efforts to gather industrial intelligence on technologies used in U.S. weapons systems.

Meanwhile, the Pentagon is struggling to process security background investigations, which serve as the basis for clearance decisions. It has a backlog of more than 600,000 periodic reinvestigations—cases in which defense employees and contractor personnel are to be re-evaluated.

The backlog is significant. Spies traditionally are trusted insiders. Many cases reviewed by DOHA involve requests to retain clearances. This backlog was disclosed last summer by USA Today in an examination of the Defense Security Service, another Pentagon agency, which conducts the background checks.

In its inquiry into DOHA's actions, USA Today reviewed decisions issued by the agency's 15 administrative judges since 1994. Under the Privacy Act, DOHA deletes the names and other identifying information from the files. The judges review 300 to 400 cases a year. USA Today requested interviews with two senior judges, but the Pentagon wouldn't make them available.

In the case involving the murder, government lawyers sought to block the clearance, but Administrative Judge Paul Mason wrote that the man had earned a college degree and had reformed.

''Against the heinous nature of the crime,'' he wrote, ''are the positive steps applicant has taken over the years in making himself a productive member of society.'' He said he was persuaded the ''applicant was genuinely remorseful'' and would not resume a criminal career.

The man's lawyer, James McCune of Williamsburg, Va., won't discuss the criminal case. But, he says, clearance decisions must be weighed carefully because employees often lose their jobs when they lose their clearances. ''It is really a black mark,'' he says.

A sampling of other approvals:

On Aug. 27, 1997, Administrative Judge John Erck ruled that a 43-year-old man who had participated in a scheme to defraud the Navy of $2 million could keep his secret-level clearance. The man was employed at the time of the fraud, in 1991, as a ship's master for a company that operated ships for the Navy in the U.S. Merchant Marine program. He and other employees submitted false time sheets for overtime to assist their financially troubled company. Judge Erck wrote that the fraud was not recent and that although it amounted to ''serious criminal activity,'' he was ''impressed'' with the applicant's ''honesty and sincerity.''

That same year, Administrative Judge Kathryn Moen Braeman allowed a 30-year-old employee of a defense contractor to keep his secret clearance, even though he was a convicted sex offender and on probation. The man was convicted in a state court of two felony charges of criminal sexual contact with a minor in June 1996, less than a year before the administrative judge's decision.

The case file shows the man fondled his 8-year-old stepdaughter and on 50 occasions entered her bedroom and masturbated while she was asleep. Braeman said there were ''mitigating'' circumstances: the man, she wrote, had completed counseling in a sex-offenders program and his therapist did not believe the pedophilia with his stepdaughter would recur. According to Braeman, the therapist concluded the man would always have a sexual interest in children but had learned through therapy to control himself.

A 42-year-old employee of a defense contractor was given a secret clearance by Chief Administrative Judge Robert Gales, although earlier in his career, as an investor, he had been convicted of bank fraud, imprisoned and ordered to pay $150,000 restitution. According to DOHA files, the man ''made false entries'' on loan forms to obtain $2.3 million in mortgages. He pleaded guilty in December 1994. Two years later, while the man remained on probation in the criminal case, Judge Gales approved his clearance; Gales cited his cooperation with prosecutors and said he had ''clean(ed) up his act.''

Judge Erck approved a secret clearance for the 53-year-old owner of a defense contracting business despite his long history of violent altercations with others. In one case, the decision shows, the man tried to bulldoze another car blocking his exit from a parking lot. In another incident, Erck wrote, he ''challenged'' a state court judge in court after the judge ruled in favor of the other party in a civil lawsuit. Police were called and ''an altercation occurred,'' according to Erck. The man was arrested and jailed for resisting arrest. In a third incident, he left a threatening message on his ex-wife's answering machine advising her he had a ''shotgun and two Uzis'' and was coming to her house to get his son. Police arrested him at his former wife's house and he was jailed on an assault conviction.

''There is an obvious nexus between Applicant's criminal conduct and the national security,'' Erck wrote in his decision. ''An individual who repeatedly loses his temper and breaks the law is much more likely to violate security rules and regulations.'' Nonetheless, Erck granted the clearance. He said the man had become active in the church and had learned to control his temper. He was, Erck wrote, a ''changed man.''

In February 1996, a 44-year-old computer software engineer was allowed to retain his top-secret clearance despite a 10-year history of sexual exhibitionism. Once, in the early morning, he stood naked outside the kitchen door of a 26-year-old woman and masturbated. The police were called and he was charged with two felonies, including ''gross lewdness.'' The man's ''history of exhibitionism reflects adversely on his judgment, reliability and trustworthiness,'' Administrative Judge Elizabeth Matchinski wrote. But, she added, ''his contributions to the defense industry in combination with his recent pursuit of therapy'' justified giving him a clearance.

Those cases are not unusual. There are other similar decisions in DOHA's files.

The DOHA process grew out of the abuses of the McCarthy era in the 1950s when many people were attacked for alleged Communist ties. President Eisenhower, acting after the Supreme Court ruled that contractor employees had the right to a hearing if their clearances were jeopardized, issued an executive order requiring hearing procedures.

The vast majority of cases processed by DOHA never go before the agency's 15 judges.

When they do review cases, the judges deny clearances in many egregious cases, or their approvals are overturned by the DOHA Appeal Board composed of three of their own members. One example: a 59-year-old man convicted of sexually abusing his granddaughter, a felony, was approved for a clearance by an administrative judge. The appeal board reversed the decision. It said the judge's decision was ''arbitrary, capricious, and contrary to law.''

Judges and other government clearance officials make decisions based on government-wide adjudicative guidelines. The guidelines cover, among other things, allegiance to the United States, foreign influence, sexual behavior, financial considerations, alcohol and drug use, security violations and criminal conduct. Applicants are evaluated under the ''whole person'' concept, which requires both favorable and unfavorable information to be considered.

Clearance officials are urged to make ''common sense'' determinations. ''The individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior,'' the guidelines state.

They also require clearance officials to err on the side of national security. ''Any doubt as to whether access to classified information is clearly consistent with national security,'' they state, ''will be resolved in favor of the national security.''

Most people pass the guidelines without a hitch. Tens of thousands of military and contractor personnel are cleared each year. The Defense Department says only 2% to 4% of its applicants are denied a clearance or have their existing access revoked. In 1998 the Pentagon denied or revoked clearances in 3,516 cases, including 628 contractor employees. About 2.4 million people hold Pentagon-issued clearances.

DOHA's role is not limited to contractor employees. Its judges also review appeals from military personnel and civilian employees of the Defense Department. The judges issue ''recommended decisions,'' but those opinions are not binding. Final decisions are made by clearance boards established by the Pentagon. Each branch of the service and the Pentagon's administrative arm, Washington Headquarters Services, have their own clearance boards, known as Personnel Security Appeal Boards, or PSABS.

Those PSABs often reject the judges' recommendations to grant clearances to people with background problems. DOHA statistics show that the judges recommended granting clearances in 271 of 740 cases they have reviewed since 1995. The PSABs rejected the advice in 120 cases, or 44% of the time.

The PSABs say they are tougher.

''We are not saying that everybody who drinks too much is a security threat,'' says K.J. Weiman, executive secretary of the Army's PSAB. But, he says, screeners must be concerned when people have financial problems, histories of drug use or heavy drinking.

''For instance, are you a quiet drunk or are you a talkative drunk?'' he asks. ''Are you the kind who will have too many drinks and you are sitting in a bar and saying, 'Did you know this, that, there is a terrorist threat out for Y2K?' ''

Private lawyers who represent clients in clearance cases defend DOHA. They say the military process doesn't give applicants all the rights they should have and say the importance of the whole-person concept cannot be over-emphasized.

Sheldon Cohen, an attorney in Arlington, VA., says the government must evaluate the whole person in deciding whether to approve or reject a clearance: ''The use of a variety of drugs by a person in high school or college, even to a substantial degree, might not disqualify that person, while a single use of marijuana by an adult while that person held a security clearance would probably cause loss of a clearance.''

Adds Elizabeth Newman, a Washington lawyer. ''The fact we don't want them as neighbors does not mean they will misuse classified information.''

But some former DOHA employees believe there has been too much ''lawyering.'' A clearance is a privilege, not a right, and the Supreme Court has so ruled, they say.

Howard Strouse, the retired DOHA official who was based in Columbus, Ohio, supervised the preparation of many administrative cases against contractor employees over a 14-year-period. He is frank in his assessment of the agency.

DOHA is doing a lousy job, he says.

''DOHA is due process heaven, and I'm not proud of that,'' he says. ''You want due process, yes, but these attorneys and judges who work for DOHA have to realize they work for the government, and we are talking about national security.''

Strouse says there were countless times when he and his staff pressed cases against applicants with questionable backgrounds but were overruled by the headquarters office in Arlington, VA.

''In looking at some of these administrative judge decisions,'' he says, ''you are only seeing the tip of the iceberg.''

He says he had frequent disputes with senior DOHA lawyers and Schachter, the agency's director, over ''liberal'' decisions. He says Schachter talked about how no spies have ever been cleared by DOHA. But, Strouse says: ''Of course, he can't be disputed because there hasn't been a spy to come up. But I'm sure they are out there. Industry has long been a problem for spying.''

Schachter declined to answer many questions. In a letter to USA Today, he wrote: ''Sensationalizing a few cases distorts the overall record of seriousness, professionalism and dedication reflected throughout the DOHA staff and judges.''

But Thomas Ewald, who directed security background investigations for the Defense Department before retiring in 1996, worries that some DOHA decisions will come back to haunt the agency. ''There is no question that all of us in the business felt that many clearances should be denied that weren't,'' he says. ''It only takes one person to cause untold damage to national security.''

[From the USA Today, Jan. 4, 2000]

EASY ACCESS TO NATION'S SECRETS POSES SECURITY THREAT

GAO, USA TODAY reports show erosion of standards for clearances.

''No one has a right to a national security clearance.'' At least, that is what the Supreme Court said in 1988, ruling that the government should grant clearances ''only when consistent with the interests of national security.''

Yet, as an outraged Sen. Tom Harkin, D–Iowa, noted, citing a special report in USA TODAY last week, the Pentagon ''apparently has an 'ask don't care' policy when it comes to contractor security clearances.'' And this week, Congress' General Accounting Office (GAO) announced that it is undertaking a new inquiry to determine whether the Defense Department consistently complies with government guidelines for issuing clearances.

There's good reason to wonder. The USA TODAY report detailed numerous instances of defense contractors' workers receiving top-secret clearances despite long histories of financial problems, drug use, alcoholism, sexual misconduct and even criminal activity.

One was awarded a clearance while on probation for bank fraud. Another was allowed to keep his high-level clearance after taking part in a $2-million fraud against the Navy. Another had a history of criminal sexual misconduct for which he was still receiving therapy.

Such behavior runs counter to President Clinton's 1995 executive order requiring that recipients of clearances have a personal and professional history showing ''loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion and sound judgment.''

And it's not the first example of the Pentagon's relaxed-fit attitude when it comes to maintaining the integrity of the security-clearance system that is designated to protect the nation's top secrets. As previous USA TODAY and GAO investigations have shown in recent months, the Pentagon has a backlog of more than 600,000 investigations for renewals of clearances. The GAO also concluded that ''inadequate personal-security investigations pose national security risks.'' It found that 92% of the investigations it audited were deficient on matters including citizenship and criminal history.

Oversight wasn't the problem with the cases cited by USA TODAY last week. Those individuals received clearances because special judges in the Defense Office of Hearings and Appeals overruled Pentagon investigators and the office's own lawyers.

Hearings before such judges provide a needed level of protection against the arbitrary and capricious denial of security clearances by the government. People can correct facts and provide mitigating evidence to prove they aren't a threat to national security.

But prove that they must. And standards shouldn't be lowered for private contractors' employees. Defense contractors build the nation's advanced weapons. They develop the software and hardware for guarding the country's infrastructure and mapping attack or defense plans. Their secrets are as important as any at the Pentagon.

Harkin is demanding that the Pentagon demonstrate that it is taking steps to ''ensure that security clearance is not granted to people likely to abuse the privilege.''

As a start, investigators, hearing judges and defense contractors should consider the Supreme Court's message a reminder. Don't allow national security clearances to endanger national security.

A SECURITY CHECK

In deciding whether to grant security clearances, federal guidelines require judges to consider the following factors: Allegiance to the United States, Foreign influence, Sexual behavior, Personal conduct, Financial considerations, Alcohol consumption, Drug involvement, Emotional, mental and personality disorders, Criminal conduct, Security violations, Outside activities, and Misuse of information technology systems.

Mr. SMITH of New Hampshire. At the Defense Office of Hearings and Appeals, USA Today reported that felons, convicted felons—I want my colleagues to listen carefully here—convicted felons, including a murderer, individuals with chronic alcohol and drug abuse problems, a pedophile, an exhibitionist—all received security clearances in order to work for defense contractors.

I want to repeat that because I think most people would say, you have to be kidding, that really happened? The answer is yes, which is why this amendment is so urgently needed. This was investigative reporting by USA Today that reported that a murderer, people with chronic alcohol and drug abuse problems, a pedophile, and an exhibitionist received security clearance to work for defense contractors.

There was another individual who was awarded a clearance while on probation for bank fraud. Yet another was allowed to keep his clearance after taking part in a $2 million fraud against the U.S. Navy. Another had a history of criminal sexual misconduct for which he was still undergoing therapy.

For goodness' sake, I say to my colleagues, most of us and the American people would say: Gee, to get a security clearance, that is a big deal; you get to see all the secrets. At least that is what the people think. We have different levels of security clearances, from confidential, to secret, to top secret, to code level. These are security clearances for individuals who have no right to get those clearances, and I think every American would agree: $2 million in fraud against the U.S. Navy, pedophiles, murderers, chronic alcohol and drug abusers getting security clearances to see the highest classified material on various defense contracts.

An even more egregious example is that an administrative judge at the Defense Office of Hearings and Appeals—that is who hears these cases—granted a clearance to a defense contractor's project manager who had a lengthy history of drug and alcohol abuse, including two convictions of selling cocaine for which he served two separate terms in Federal prison. Overriding Government lawyers who said this man's criminal past made him ineligible for a clearance, the judge at this defense hearing ruled this individual ''had no desire to ever engage in criminal conduct again.''

I repeat. This is an individual who was granted a clearance by an administrative judge at the Defense Office of Hearings and Appeals. He had a lengthy history of drug and alcohol abuse, including two convictions for selling cocaine and served two separate prison terms for it. The Government lawyers said: No, this guy should not have a clearance; what are you talking about here?

They were overridden. The judge ruled the individual ''had no desire to ever engage in criminal conduct again.'' Therefore, we will give him his clearance.

The case in point, when somebody else comes along tomorrow and says: Yes, I robbed a couple of banks, killed a couple of people, but I am sorry; I will not do it again if you will just give me my security clearance, that is what I am talking about. That is the logic: Yes, I sold a little cocaine, maybe I used a little cocaine; I am sorry. Can I have my clearance? I want to get access to classified secrets so I can work for a defense contractor.

It is unbelievable to think this is happening in our Government, but it is. Common sense dictates that one convicted murderer or one convicted drug dealer with a security clearance is one too many.

I have been told by at least one former DOD official that the USA Today's reported cases of felons granted security clearances is probably only the tip of the iceberg. These are the ones we know about.

I am also informed that the Defense Office of Hearings and Appeals is the only organization dictated to by attorneys, while in the others—for example, the military services—the security specialists are in charge. We want the security specialists to be in charge, and apparently they are not.

A frequent complaint is when there is reasonable doubt about an applicant, the Defense Office of Hearings and Appeals judges rule in favor of the applicant rather than the national interest. This is a very important point. Do you err on the side of national defense, national security, national interest, or do you err on the side of the individual?

This is not rocket science, and it is not a big deal about how they do this. Yet it is happening. In other words, err on the side of the individual; he will be OK; he is sorry; he is not going to do it again; do not worry about the cocaine; do not worry about the murder; do not worry about that; it is fine; we think he will be OK so we are going to err on his side, not on the side of national security.

I say to my colleagues, we all have staff who get security clearances. My colleagues know how tough it is to get them and how long they wait and what they put these guys and gals through. My colleagues know what is on the forms and how long it takes to get a

clearance. It is an outrage this is occurring.

The adjudicative guidelines require that national security be the first priority. Those are the guidelines. These guidelines are not being enforced. As my colleagues watch me, they must be thinking: This cannot be true; he has to be blowing smoke; no way.

It is true. I have researched these cases. Senator HARKIN, who has done an outstanding job, has also researched these cases. Senator HARKIN is with me on this amendment. In fact, he first helped bring this to my attention.

When I repeatedly questioned the DOD general counsel at the April 6 hearing about whether it is acceptable to grant a clearance to an individual who committed a cold-blooded murder, he would not say no to my question.

I said to him: Is it acceptable ever to grant a clearance to an individual who committed a cold-blooded murder? I wanted him to say no. I gave him every opportunity to say no, but he refused to say no.

If you do not say no, it has to mean there is a time when it is in the interest of the individual, never mind national defense, to grant the clearance because he may not commit a murder anymore and he might be great. He could be the greatest contractor employee the Defense Department ever saw, but do we want to take the chance? Do we want to take a chance?

If my colleagues had a staff member who was asking for a security clearance—I do not know if they would be working for them if he or she committed a murder, but if they did and tried to get one, good luck. We know they would not get it. Therefore, if that is the rule for staff, then it ought to be the rule for those contractors who work for the Defense Department.

Senator HARKIN's press release about this scandal when it broke argued very persuasively:

No one has a right to a national security clearance.

No one has a right to it. Senator HARKIN, who testified at the SASC hearings on the DSS and DOHA, argued people go through intense scrutiny just to serve on the Commission on Library Sciences, and they do not have to handle any Government secrets. We should at least have the same high standards for those holding security clearances as we require of those serving on the Commission of Library Sciences. Senator HARKIN is absolutely right. I agree with him.

Additionally, there were examples of the Defense Office of Hearings and Appeals granting clearances to people with recent drug and alcohol addictions. Why is the Defense Office of Hearings and Appeals, knowing there will always be risks that some people with clearances will betray their country for money or for ideology, placing an additional risk into the system by giving these felons clearances? Why do we take the risk? There are many good, decent people who have never committed a crime in their lives who do not gain access to classified material because they do not need to know and, therefore, they do not get their clearances because they do not need to know. Why does a convicted murderer, rapist, or convicted drug dealer need to know? The answer is simply they do not.

You might say: We should give this person a chance. No, we should not, no, no, no; not if we are going to risk the national defense of our country, we should not give them a chance.

As Senator HARKIN has said: It is not a right. It is a privilege that you earn. Additionally, there were examples of, as I said, clearances for those with recent drug and alcohol problems. Why would we want these convicted lawbreakers given access to these secrets? We know how much damage just one individual can wreak on national security. We have heard the stories—the legacy of Aldrich Ames, Jonathan Pollard, and the Walkers, the Rosenbergs. Go back as far as you want to go. It is well known to all of us who have dealt with national security issues, we simply cannot afford to have loose standards when it comes to protecting our secrets and protecting lives. They are loose enough as it is.

We have had stolen secrets from our atomic weapons labs going to the Chinese. We certainly do not need to invite people into critical areas, where sensitive technology and sensitive information is bandied about, to have a person who would have that kind of a background to get a security clearance.

I emphasize, again, I know in America we are all in favor—and I am, too—of giving people a break, giving a person a chance, giving them a second chance, but not when it comes to national security.

I guarantee you, for every cocaine dealer you think is fine now and would be a great person to work for a Government contractor—I guarantee you—there are 100 who never had any cocaine convictions who would be just as good. I guarantee it. We ought to start looking down the line to find them.

In some States, an individual would lose his or her right to vote based on a felony conviction. The 1968 Gun Control Act stripped individuals convicted of felonies of their constitutionally protected second amendment right. I have known of an instance where a Capitol Hill staffer was denied a clearance because he was a few months behind in his student loan payment.

Keep in mind, a security clearance is not a right; it is a privilege. In fact, it is more than that. It is an honor. That says something about this person, that this is a special person who can be trusted with the secrets, sensitive information about the U.S. Government, about the weapons we make.

To say that we would dumb those standards down at that level is a disgrace and, frankly, it is an embarrassment to our country, to our Government, to our Defense Department, to our administration, to everybody involved, and, yes, even an embarrassment to the members of the Armed Services Committee of the Senate that this is happening. It is an embarrassment. The only way to correct it is to stop it and say it is wrong.

Right now you can have a felony conviction and still be granted a clearance and access to sensitive secrets; and that does not pass the commonsense test. It does not pass the smell test, folks, that a convicted murderer can be granted a security clearance. Believe it or not, they had an explanation for it. It was not a good one. They had an explanation for it: He's reformed now. He's OK now.

In conclusion, the bottom line is, my amendment is very simple. It would prevent DOD from granting security clearances to those who have been convicted in a court of a crime punishable by imprisonment for a term exceeding 1 year. It would also disallow a clearance for anyone who is an unlawful user or addicted to any controlled substance or has been adjudicated as mentally incompetent or has been dishonorably discharged from the U.S. Armed Forces.

It is sad, though, that we have to pass an amendment on the floor of the Senate, add language to the DOD authorization bill that says the people who do these things—the people who review these cases, who review these individuals—we have to pass an amendment which is nothing more than common sense that says you cannot put murderers and felons and cocaine dealers, people who have been convicted of these crimes, in positions where they have access to national security information. We have to pass an amendment because the people we put in charge are not doing this, are not stopping this. Can you imagine that?

That is what it has come to. I am embarrassed by it. But I will tell you what. I would rather be embarrassed by it than have it continue to happen, where our secrets get compromised because somebody could be compromised as a result of this kind of background.

We cannot take all the risks out of the system no matter how good we are, no matter how good the DOHA, the Defense Office of Hearings and Appeals. No matter how good they are, they are going to make mistakes. That is human. Sometimes people such as Pollard and Walker get clearances, unfortunately. And they ought to pay the price for it when they are caught. But let's not take this kind of ridiculous risk and dumb down the entire operation.

I might add—it does not say this in the amendment—if we have people who are looking at these cases, and assessing the risks, and they are concluding that people with these kinds of backgrounds can get security clearances, we may want to change some of the people who are doing the evaluating as well. That may be the next step if it does not stop.

I regret that many of the committee members missed the DSS, the Department of Security Services, and the Defense Office of Hearings and Appeals hearing that we had because it was an eye-opener for me. Even though I read the press articles relating to the scandal, I was surprised those individuals I questioned—when I gave them the opportunity when I questioned them—still said they would not say no when I asked them whether they believed it would be all right to give somebody such as that a clearance. They would not say no, which gives me the impression there would be circumstances where they should be able to get the clearances.

That is my amendment. I know the manager of the bill is not prepared to vote at this time. But at this point, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

I will take this moment to thank my colleague, Senator WARNER, the chairman of the committee, for the outstanding leadership he has provided as the chairman of the committee.

Mr. WARNER. Mr. President, I thank my colleague and simply say we are endeavoring and working with the other side of the aisle to see if we might come up with some clarification to his amendment.

I yield the floor.

AMENDMENT NO. 3214 TO AMENDMENT NO. 3210

Mr. MCCAIN. Mr. President, I send a second-degree amendment to the pending amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD and Mr. LIEBERMAN, proposes an amendment numbered 3214 to amendment No. 3210.

Mr. MCCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. Mr. President, I offer this amendment on behalf of myself, Senator FEINGOLD, and Senator LIEBERMAN.

This amendment would mandate that the names of contributors to entities operating under section 527 of the Tax Code be disclosed. This amendment is simple. It is straightforward. It would impose no substantial burdens on any entity. And most importantly, it is constitutional and in no way infringes on the free speech of any individual or group.

Before I discuss the matter further, I thank my colleagues, Senator LIEBERMAN and Senator FEINGOLD, for all they have done to close this 527 loophole. They have been stalwarts in this effort, and their hard work and dedication deserves note and praise. In fact, Senator LIEBERMAN has separate legislation supported by myself and Senator FEINGOLD on this very issue.

On May 18 of this year, USA Today stated:

What's happening? Clever lawyers for partisan activists, ideological causes and special interests have invented a new way to channel unlimited money into campaigns and avoid all accountability. Hiding behind the guise of ''issue advocacy'' and an obscure part of the tax law, nameless benefactors with thick bankrolls can donate unlimited sums to entities known as ''section 527 committees,'' beyond the reach of the campaign-reporting laws designed to curb such abuses.

If the Chinese Army had discovered this tactic first, its infamous contributions of 1996 would have been quite legal. It wasn't supposed to be this way. Post-Watergate reforms a quarter-century ago required that all donations of $200 and more be publicly reported by name. There would be no more ''hidden gifts'' of $2 million and up like those that helped fuel the illegal activities of Richard Nixon's re-election campaign. At least voters would know where a candidate's political debts lay.

But that is not the way the system has evolved. And today no one knows how many anonymous contributors are exploiting the loopholes in the law or how much these loopholes are adding to the swamp of money in politics.

USA Today sums it up well. This is a dark, uncontrolled sector of the political landscape. It is a danger to our electoral system. Unfortunately, unless we act, the problem will only grow worse.

The Associated Press reported on June 6:

At crucial moments in the presidential campaign, George W. Bush has benefited from millions of dollars in advertising paid for by mysterious groups and secret donors.

Similar ads have also boosted Vice President Al Gore, but they generally were done by well-established organizations with clear agendas. Still, their donors remained secret, too.

It's a new form of political warfare that's quickly becoming the tool of choice for people looking to influence Election 2000, made possible by a once-obscure provision in the tax code that lets anyone form a group and spend money on campaign-style ads without saying who is paying for them.

This amendment in no way restricts the ability of any individual or organization from spending money to influence a political or electoral system. I believe 527 should be abolished completely. I am not sure that at this moment in time we have sufficient votes to do that in the Senate.

This amendment protects free speech but recognizes that the public has a right to know who is speaking. This amendment gives the American public an answer to the question raised by the Associated Press story; namely, who is paying for these multimillion-dollar ad campaigns?

While the rhetoric of speech being protected is sometimes bantered around without much thought, it is not actually speech that is constitutionally protected but the individual who is protected to speak his or her thoughts. Speech is not naturally occurring. It is not created of matter and therefore exists outside of the human realm. It is the individual who is protected. Under this amendment, the individual is protected. He or she can speak their will. Again, the public is given the right to know who is speaking.

The 2000 Federal election cycle has brought a new threat to the integrity of our Nation's election process: the proliferation of so-called stealth PACs operating under section 527 of the Tax Code. These groups exploit a recently discovered loophole in the Tax Code that allows organizations seeking to influence Federal elections to fund their election work with undisclosed and unlimited contributions at the same time as they claim exemption from both Federal taxation and the Federal election laws.

Section 527 of the Tax Code offers tax exemption to organizations primarily involved in election-related activities such as campaign committees, party committees, and PACs. It defines the type of organization it covers as one whose function is, among other things, ''influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office. . ..''

Because the Federal Election Campaign Act uses near identical language in defining entities it regulates, organizations that spend or receive money ''for the purpose of influencing any election for Federal office,'' section 527 formerly had been generally understood to apply only to those organizations that register as political committees under, and comply with, Federal election campaign laws, unless they focus on State or local activities and do not meet certain other FECA requirements.

Nevertheless, a number of groups engaged in what they term ''issue advocacy campaigns'' and other election-related activity recently began arguing that the near identical language of FECA and section 527 actually mean two different things. In their view, they can gain freedom from taxation by claiming they are seeking to influence the election of individuals to Federal office but may evade regulation under FECA by asserting they are not seeking to directly influence an election for Federal office.

Let me repeat that. This is what these organizations are saying: They can gain freedom from taxation by claiming they are seeking to influence the election of individuals to Federal office, but they evade regulation under Federal election laws by asserting they are not seeking to directly influence an election for Federal office.

As we have seen in the past, they simply avoid using the infamous six words noted in the Buckley decision as

a footnote; namely, ''vote for, vote against, support'' or ''oppose.'' As a result—because unlike other tax exempt groups such as 501(c)(3)s and (c)(4)s, section 527 groups don't even have to publicly disclose their existence—these groups gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections.

Indeed, according to news reports, newly formed 527 organizations pushing the agenda of political parties are using the ability to mask the identity of their contributors as a means of courting wealthy donors who are seeking anonymity in their efforts to influence our elections.

There are some in this body who would fully regulate 527s under the FECA. This amendment doesn't do that. While I would personally support such an effort, this amendment does not impose the burdens mandated under FECA to 527 organizations. This amendment would, however, require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns, and to file with the IRS or make public reports specifying annual expenditures of over $500 and identifying those who contribute more than $200 annually to the organization. What could be more simple? What could be more fair, honest, and straightforward?

The Washington Post recently stated:

> For years, opponents of campaign finance reform have been saying that disclosure is disinfectant enough. Don't enter the swamp of trying to regulate the raising and spending of campaign money, they say; just require the prompt reporting of contributions, and let the voters perform the regulatory function at the polls.

This is an argument that has been made continuously by my colleagues. On September 26, 1997, the senior Senator from Kentucky stated, in regards to contributor information reported by the Democratic National Committee:

> Disclosure would have been the best disinfectant.

On the same day, on the floor of the Senate, the majority leader stated:

> Why don't we, instead, go with freedom, open it up, have full disclosure and let everybody participate to the maximum they wish?

I believe this amendment is 100 percent in accordance with Senator LOTT's comments. For the information of my colleagues, the amendment places no new restrictions of any kind on giving to so-called 527 organizations or how they spend their money. It merely mandates full disclosure.

Senator LOTT stated on May 13, 1992:

> It seems to me that something that has that big an influence on an election, campaign election, should at least be reported. Disclosure. That is the key. Let us always disclose to the American people where we are getting our money, where it is being spent. That is the answer.

On September 26, 1997, Senator BENNETT stated:

> So, if you are going to look for a local example of something that works, you could say, based on my state's experience, that we ought to open the whole thing up and let corporate contributions come in as well as individual contributions. The one thing that we do have in Utah that has made it work is full and complete disclosure so that everybody knows that, if the Utah Power and Light company is giving to X campaign, that is on the public record. And when the Governor goes to deal with utility regulation, everybody knows how much the power company gave him.

Under this amendment, 527 entities would disclose their contributors exactly in the manner Senator BENNETT claims should be done.

Senator CRAIG, on February 24, 1998, stated:

> Instead [of McCain-Feingold] full and immediate public disclosure of campaign donations would be a much more logical approach.

To be fair, Senator CRAIG was referring to contributions to candidates. But we all recognize that political ads that run under the 527 loophole are designed to accomplish the exact same goal as candidate-run ads: to elect or defeat candidates or causes and, as such, the contributors to 527s, such as contributors to candidates, should be immediately and fully disclosed.

The clarion call for greater disclosure has been heard and it is time we acted. This amendment is not designed to give any one party any advantage over the other. As I noted earlier in my remarks, both parties are the beneficiaries of 527 expenditures.

As the Washington Post editorialized:

> Both parties use these Section 527 committees. The failure to disclose is insidious, the ultimate corruption of a political system in which offices if not the office holders themselves, are increasingly bought. At least, they could vote for sunshine. Or is the truth too embarrassing for either donors or recipients?

Many times, I have stood on the floor of the Senate and argued for the constitutionality of the so-called McCain-Feingold legislation. I strongly believe that campaign contributions should not only be disclosed but that they can be constitutionally limited. Recent Supreme Court decisions clearly affirm that fact.

But there was dissent noted in the most recent Supreme Court case on campaign finance reform. I want to note for the Record that in Justice Kennedy's dissent he stated:

> What the Court does not do is examine and defend the substitute it has encouraged, covert speech funded by unlimited soft money. In my view, that system creates dangers greater than the one it has replaced. The first danger is the one already mentioned: that we require contributors of soft money and its beneficiaries mask their real purpose. Second, we have an indirect system of accountability that is confusing, if not dispiriting, to the voter. The very disaffection or distrust that the Court cites as the justification for limits on direct contributions has now spread to the entire discourse.

In his dissent, Justice Kennedy also points out:

> Among the facts the Court declines to take into account is the emergence of cyberspace communication by which political contributions can be reported almost simultaneously with payment. The public can then judge for itself whether the candidate or the officeholder has so overstepped that we no longer trust him or her to make a detached neutral judgment. This is a far more immediate way to assess the integrity and the performance of our leaders than through the hidden world of soft money and covert speech.

In his dissent concerning the same campaign finance reform case, Justice Thomas paraphrases the Buckley case and states:

> And disclosure laws ''deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity.''

Based on the dissent issued in the Missouri case and what was clearly stated by the majority, the kind of disclosure mandated by this amendment would not only be constitutional but is clearly in the public's best interest.

Mr. President, this amendment is the right thing to do. It is not as comprehensive an approach as I believe is necessary to deal with the numerous problems associated with our current campaign finance system. I believe much more needs to be done, and I intend to continue my fight with my friend from Wisconsin, Senator FEINGOLD, to truly reform our campaign finance laws. But it is a simple, easy-to-understand solution to one specific problem that currently plagues our electoral system. It is a solution we can enact today or tomorrow. It is a solution to a problem that has just begun and one that is easily solved. I hope my colleagues will support this amendment.

I have been in elected office since 1983. I first came to the other body and then to this one. If at the time I first came to the Congress of the United States you told me tickets would be sold by fundraisers for $500,000, that we would have organizations that took part in our political system and directly intervened in our elections, where it was not even required for contributors to disclose unlimited amounts of money, if you had told me that we would have a situation which would cause so much concern and anger and discontent, as in the 1996 election where money poured in even from foreign sources, that huge amounts of money from a Communist country, China, would pour into our elections—we may never know how much—that, in my view, would have been illegal and deserved the appointment of an independent counsel. The machinations that went into the Justice Department to prevent that from happening have been revealed.

If we don't require full disclosure of these 527s, then we will say as a body that it is legal for money to come from anywhere, from anyone, and it doesn't even have to be disclosed to the American people. That is a sad state of affairs, a very sad state of affairs.

I see my friend, Senator FEINGOLD, here waiting to speak, and I know others want to speak on this. I have said a

couple of times on the floor of the Senate that I learned a lot in the last campaign in which I was involved. The most disheartening thing that I learned—which was affirmed long before I learned it by the 1998 election, which had the lowest voter turnout in history of the 18 to 26-year-olds in this country—was that particularly young Americans are becoming more and more disconnected and even alienated from their Government. Young Americans don't believe they are represented anymore. Young Americans in a focus group conducted by the Secretaries of State of America—those responsible for our elections in every State —the focus groups of young people were very alarming in their results. A lot of young people said they thought we were corrupt. A lot of young people said they would never run for public office. There is an unwillingness to serve the country—at least in the area of public service today—because young Americans believe that we no longer represent their hopes, dreams, and aspirations.

This situation has gradually evolved, as any evil does in life. We started out with a situation where soft money was set up that required full disclosure, and different organizations calling themselves ''independent'' began to accept unlimited amounts of money. But at least they fell under laws that required full disclosure. Now we have this new, burgeoning industry. I have no idea if it is tens of millions or hundreds of millions of dollars that will go into this political campaign under the guise of 527. I intend, later in the debate, to quote from news articles describing the dramatic growth of these 527s. Mr. President, it has to stop.

A funny thing is happening in the world. Today, the former Chancellor of the Federal Republic of Germany, Mr. Helmut Kohl, is in disgrace in his nation—the man who led his nation through a great deal of the cold war for 16 years. Helmut Kohl is in disgrace in the eyes of his countrymen because Helmut Kohl refuses to disclose the names of the people who gave him money for political purposes while he was the Chancellor of the Federal Republic of Germany.

In the United States of America, the beacon of home and freedom and the institutions of democracy throughout the world, we now have a situation where it is legal for anyone to give unlimited amounts of money which will directly affect American political campaigns. There is not even disclosure. It is evil in itself that unlimited amounts of money are able to be contributed because it is a direct violation of the $1,000 contribution limit which the U.S. Supreme Court just upheld as constitutional. But now we have reached a point where the Washington Post says failure to disclose is insidious, the ultimate corruption of a political system in which offices, if not the officeholders themselves, are increasingly bought. At least we could vote for sunshine.

I would like to yield to my friend from New York briefly because Senator FEINGOLD is waiting.

Mr. SCHUMER. Mr. President, I want to ask the Senator a question to clarify. His amendment is one of disclosure. Is that the same as the one the Senator from Connecticut introduced? It would not affect first amendment rights. It would not affect limits on how much you give but simply disclose what is given. Am I correct in that assumption?

Mr. MCCAIN. The Senator from New York is correct. I would like to say to the Senator from New York that we are doing this because perhaps we can't sell the whole package; perhaps we can't do the whole thing. This is in no way an indication that Senator FEINGOLD and I or the Senator from New York or the Senator from Connecticut are not equally committed to McCain-Feingold soft money elimination, et cetera. But at least let's get this ill cured.

How in the world a vote can be cast against disclosure of this is not comprehensible to me.

I thank the Senator.

Mr. SCHUMER. I think it is an excellent idea. I would like to speak later in support of the Senator's amendment.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am very pleased to again be on the floor with my colleague and friend, the Senator from Arizona, and to join with him in offering this amendment.

I am especially pleased also to be offering this amendment with the Senator from Connecticut, Mr. LIEBERMAN, who has offered a bill in this same form.

I ask unanimous consent that the Senator from New York, Mr. SCHUMER, be added as a cosponsor of the amendment as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, if there is one thing on which the entire Senate should be able to agree, it is that we need to have full disclosure by groups participating in the electoral process by running advertisements that mention candidates.

This is a first step. In fact, it is only a first step on this bill. We intend to offer other steps, including our McCain-Feingold legislation concerning soft money, on this bill. But this is the first step.

The so-called 527 organizations that this amendment addresses are the newest wrinkle in the breakdown of our campaign finance laws.

These 527 groups are now openly and proudly flouting the election laws by running phony issue ads and refusing to register with the FEC as political committees or disclose their spending and contributors. It is time that Congress called a stop to this, not to try to keep anyone from speaking or otherwise participating in elections, but to give the American people information that they desperately need and deserve about who is behind the ads that are already flooding our airwaves, six months before the election.

There is no reason that our tax laws should give protection to any group that refuses to play by the election law rules. For that reason, I have cosponsored and wholeheartedly endorse S. 2582, a bill introduced earlier this year by Senators LIEBERMAN, DASCHLE, MCCAIN, and others to restrict the tax exempt status available under section 527 of the Internal Revenue Code only to those groups that register and report with the FEC. This amendment is even more mild. But at the very least, the public deserves more information on the financial backers and activities of groups that benefit from this tax exempt status, and that is what this amendment attempts to provide. This amendment simply seeks disclosure. It would be a small step towards addressing one of the loopholes in our current campaign laws that is eroding the public's faith in our electoral system. It's a small step, but an important step. It is the first step, and the second step is the ban on soft money.

Time and time again when we have debated reform here on the floor of the Senate, the opponents of the McCain-Feingold bill have said that they favor full and complete disclosure of campaign contributions and spending.

The Senator from Arizona did a fine job of sharing with us some of the quotes from Senators who said they would support disclosure even if they couldn't support a ban on soft money.

Well, those Senators who so confidently proclaim that full disclosure is the answer to our campaign finance problems should realize that they cannot be consistent in that view if they don't support this amendment. All this amendments seeks is disclosure, the most basic and commonsense tenet of our campaign finance laws, by groups that are spending millions of dollars to influence elections. It is said that sunshine is the best disinfectant. Here is our chance to throw some sunshine on this latest effort to cast a dark cloud on our campaign finance system.

Sadly, what to me is perhaps the most shameful thing about this whole process is we know that many Members of Congress are involved in raising money for these 527s.

Recently, there was a very disturbing report in the Washington Post about the majority leader urging hi-tech companies to contribute to a new group called Americans for Job Security that is now running ads supporting one of our colleagues who is up for reelection. Americans for Job Security is almost certainly claiming a tax exemption under section 527, but at the same time it will not disclose its contributors or its spending. And we all know of the highly publicized connections between the majority whip in the House, Mr. DELAY, and various 527 organizations.

These groups pose a special danger to the political process because if Members of Congress can organize them or raise money for them, the real possibility of corruption emerges. What is the difference between a million dollar contribution directly to a candidate and a million dollar contribution requested by a candidate that goes to a group that plans to run ads to support that candidate or, more likely, attack his or her opponent? There really is no difference when you come right down to it, but right now, the first contribution is illegal, as it should be, and the second contribution is not. It is legal. Our amendment does not prohibit that second contribution, it just asks that it be made public.

As groups proliferate, the chances of scandal increase as well. It will not be long before reports of legislative favors received by big donors to 527 groups start making the headlines. Or foreign money or money derived from organized crime making its way into our election process by way of 527s. The 527 loophole is a ticking time bomb of scandal.

As noted in the recent Common Cause report, ''Under the Radar: The Attack of Stealth PACs on our Nation's Elections,'' here are some of the groups that are taking advantage of the 527 loophole to collect unlimited contributions and use them to influence federal elections without any disclosure. Saving America's Families Everyday, the Republican Majority issues Committee, Citizens for Better Medicare, Republicans for Clean Air, Shape the Debate, Business Leaders for Sensible Priorities, the Peace Voter Fund, citizens for Reform, and the Sierra Club. When the American people see an ad by one of these groups, they will know it is coming from a Stealth PAC, a 527, but that's all they will know because these groups are currently not reporting anything to the FEC or the IRS.

Money, politics, and secrecy is a dangerous mixture. Mr. President. The least we can do is address the secrecy ingredient in this potion with this amendment. There is no justification whatsoever for allowing these groups to operate under the radar. None. Citizens deserve to know who is behind a message that is being delivered to them in the heat of a campaign. These groups that hide behind apple pie names are trying to obscure their identities from the public. The public is entitled to that information. And it is entitled to withhold a tax exemption from any group that would refuse to provide the information.

I think I have heard from almost every one of my colleagues recently that they believe this campaign finance system is completely out of control, that they sense it is about to completely explode. We all know it. It is completely out of control. This is a first step to try to bring that control back and then to move on quickly to the effort to address the other even more enormous problem at this point—the problem of soft money being contributed to political parties.

I thank the Senator from Arizona and my colleagues on the floor, the Senators from Connecticut and New York, for their work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

I rise to support the amendment offered by the Senator from Arizona. I am proud to be a cosponsor of it and to join with him and the Senator from Wisconsin, my friend, and also my colleague from New York.

This is a bold but absolutely necessary step which was initiated by the Senator from Arizona, based on some work a bipartisan group did together earlier in the year to try to respond to this latest threat to the integrity of our Nation's election process, and that is the proliferation of so-called ''stealth'' PACs operating under section 527 of the Tax Code.

As my colleagues have indicated, these groups exploit a relatively recently discovered loophole in the Tax Code that allows organizations seeking to influence Federal elections to fund those elections with undisclosed and unlimited contributions at the same time as they claim exemption from both Federal taxation and the Federal election laws.

As I say these words, and as I have listened to my colleagues, I wonder about the folks listening to the proceedings on C-SPAN. People must justifiably be scratching their heads or, I hope, standing up in outrage at what is happening within our political system.

I was taught as a student at school long ago about the power of water, the natural force of water, to move and find weakness and then move through that weakness to continue to go forward. The flow of money in our political system today, which is not as natural as the movement of water through nature, seems to follow the same kind of unstoppable movement where it pursues a point of weakness in our legal system and pushes through, to the detriment of our democracy.

Section 527 is the latest point of vulnerability that has been found by the forces and flow of money in our political system. Section 527 offers tax exemption to organizations, primarily involved in election-related activities such as campaign committees, party committees, and PACs. That is what the law says it is supposed to do. It defines the type of organization it discovers as one whose function is, among other things, ''Influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office.''

Because the Federal Election Campaign Act uses nearly identical language to define the entities it regulates, section 527 formally had been generally understood to apply only to those organizations that register as political committees under the Federal Election Campaign Act.

Nevertheless, the flow of money moves to find a point of vulnerability in our existing legal system. A number of groups engaging in what they term ''issue advocacy campaigns'' and other election-related activities, have begun arguing that the near identical language of our Federal Election Campaign Act and section 527 actually mean two different things. This would be hilarious if it wasn't so serious. In their view, these groups gain freedom from taxation by claiming they are seeking to influence the election of individuals to Federal office, but they claim they can evade regulation under the Campaign Act by asserting that they are not seeking to influence an election for Federal office.

They are going two ways at once, trying to claim the benefit of two inconsistent laws, and, for the time being, getting away with it. As a result, unlike other tax-exempt groups, section 527 groups don't even have to publicly disclose their existence. They gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections. Indeed, according to news reports, newly formed 527 organizations pushing the agenda of political parties are using the ability to mask the identity of their contributors as a means of courting wealthy donors who are seeking anonymity in their efforts to influence our elections.

This is so venal, an end run on the clear intention of our laws, that I cannot believe we will let it continue. Section 527 organizations are not required to publicly disclose their existence. It is impossible to know the precise scope of this problem. The Internal Revenue Service private letter rulings, though, make clear that organizations that are intent on running what they call ''issue ad campaigns'' and engaging in other election-related activities are free to assert section 527 status. Of course, there have been numerous news reports that provide specific examples of groups taking advantage of these rulings.

Common Cause recently issued a report which is engaging in unsettling reading, under the title ''Under the Radar: The Attack of the Stealth PACs on Our Nations's Elections,'' which offers details on 527 groups set up by politicians, industry groups, right-leaning ideological groups, and left-leaning ideological groups. The advantages conferred by assuming this 527 form, which are the anonymity provided to both the organization and its donors, the ability to engage in unlimited political activity without losing your tax-exempt status, and significantly the exemption from gift tax which otherwise would be imposed on large donors, leaves no doubt that

these groups will continue to proliferate as the November election approaches.

No one should doubt that the expansion of these groups poses a real and significant threat to the integrity and the fairness of our election system. One of the basic promises that our system makes is for full disclosure. Senator MCCAIN and Senator FEINGOLD have spoken of comments that have been made on this floor and elsewhere by those who opposed other forms of regulating and limiting campaign finance contributions, limits on expenditures, but at least support disclosure, sunshine, the right to know. The identity of the messenger, the identity of the contributor supporting a message, naturally, would help a citizen, a voter, reach a judgment on the quality and the effect of that message.

The risk posed by the 527 loophole goes even further than depriving the American people of critical information. I believe it threatens the very heart of our democratic political process because allowing these groups to operate in the shadows poses a real and present danger of corruption and makes it difficult for anyone to vigilantly guard against that risk. The press has reported that a growing number of 527 groups have connections to, or even have been set up by, candidates and elected officials who are otherwise limited—clearly, at least so is the intention of the law—by other laws. Allowing individuals to give to these groups and allowing elected officials to solicit money for these groups without ever having to disclose their dealings to the public, at a minimum leads to exactly the appearance of corruption that the Supreme Court in some of its election law cases has warned against and sets the conditions clearly that would allow corruption to thrive.

If people in public life are allowed to continue seeking money secretly, particularly sums of money that exceed what the average American makes in a year, there is no telling what will be asked for in return. And there is no predicting how many more tens of thousands, hundreds of thousands, millions of our fellow citizens will turn away from our political system because they reach the conclusion that there is not actually equal access to our Government; that an individual or group or corporation that gives hundreds of thousands of dollars secretly to this kind of political committee clearly have more influence than they do, and it is not worth even turning out to vote.

In the hopes of forestalling this growing cancer in our body politic, a bipartisan group of Members of the Senate earlier this year introduced two bills to deal with this 527 problem. The first was what we called our aspirational bill. It would have completely closed the 527 loophole by making clear that tax exemption under 527 is available only to organizations regulated under the Federal Elections Campaign Act. It was pretty straightforward and, in my opinion, eminently sensible and logical. If this bill were ever enacted, groups would no longer be able to tell one thing to the IRS to get a tax benefit and then deny the same thing to the FEC, the Federal Election Commission, in order to evade Federal Election Campaign Act regulation.

But recognizing that a complete closing of this ever growing 527 loophole might not be possible to achieve in this Congress, we also offered a second alternative, slightly narrower. That is what this amendment is before the Senate now. It is aimed at forcing section 527 organizations simply to emerge from the dark shadows, from the secret corners, and let the public know who they are—that is not asking too much—where they get their money—that is a fundamental right—and how they spend it.

This amendment would require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns and to file with the IRS and make public reports specifying annual expenditures of at least $500 and identifying those who contribute at least $200 annually to the organization. That is not asking very much. It is simple fairness, basic facts, respecting the public's right to know.

No doubt opponents of this amendment may claim the proposal infringes on their first amendment rights, perhaps, to free speech and association. But nothing in this amendment infringes on those cherished freedoms in the slightest bit. This amendment does not prohibit anyone from speaking. It does not force any group that does not currently have to comply with the Federal Elections Campaign Act or disclose information about itself to do either of those things. This amendment speaks only to what a group must do if it wants the public subsidy of tax exemption, something the Supreme Court has made clear that no one has a constitutional right to have. We in Congress, Representatives of the people, makers of the law, have the right to attach conditions in return for the public subsidy of tax exemption. As the Supreme Court explained in Regan v. Taxation with Representation of Washington, a 1983 case:

> Both tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system, [and] Congressional selection of particular entities or persons for entitlement to this sort of largess is obviously a matter of policy and discretion. . . .

That is policy and discretion to be exercised in the public interest by this Congress. Under this proposal, any group not wanting to disclose information about itself or abide by the election laws would be able to continue doing whatever it is doing now. It would just have to do so without the public subsidy of tax exemption conferred by section 527. Again, that is not asking too much.

We have become so used to our campaign finance system's long, slow descent that I fear it is sometimes hard to ignite the kind of outrage that should result when a new loophole starts to shred the very spirit of yet another law aimed at protecting the integrity of our system.

I suppose if there is any direct relevance of this proposal to the Department of Defense Authorization Act on which it is offered, it is that generations of Americans have fought, been injured, and died for our political system, our principles, our values: The right to exercise the franchise, the right to know. We are witnessing, without acting to correct it, the corruption and erosion of those basic freedoms.

This new 527 loophole should outrage us and we should act, I hope unanimously, across party lines, by adopting this amendment to put a stop to it.

Mr. President, I urge all our colleagues to join us in supporting this proposal. I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Colorado.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent Senators be allowed to speak on this issue, and therefore ask further proceedings under the quorum call be suspended.

Mr. ALLARD. I object.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that the pending McCain amendment and the Robert Smith amendment be laid aside, the McCain amendment become the pending business at 1 p.m. on Thursday, and there be 2 hours equally divided on the McCain amendment, with a vote to occur in relation to the McCain amendment immediately following the scheduled vote re: HMO at 5 p.m. on Thursday.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. In light of this agreement, there will be no further votes this evening, and the Senate will resume the DOD authorization bill at 9:30 a.m. on Thursday morning.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator BYRD,

who has been a tremendous leader on campaign finance reform for decades, Senator BIDEN, Senator REID of Nevada, and Senator LEVIN be added as cosponsors to the McCain-Feingold-Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan.

BIRTH OF SENATOR LEVIN'S GRANDDAUGHTER

Mr. LEVIN. Mr. President, one of the reasons I left the floor with great joy during the day was to greet the arrival of my granddaughter, Bess Rachel—who was delivered today. Bess is named after my mother. I am sure she will forgive me for doing this because she is too young to know the difference. Her mother, my daughter Kate, and my son-in-law Howard Markel, may be looking at us now. If they are, I hope they will forgive me, too. I am just a proud grandpa, with grandma Barbara there at the hospital in New York. That is why I disappeared for a few minutes.

As always, HARRY REID does yeoman work on this floor for all of us on this side of the aisle, obviously, but really for every Member of the Senate. I thank him for filling in.

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. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSTRUCTIONAL FACILITY AT FORT LEAVENWORTH

Mr. ROBERTS. Mr. President, I am concerned that the current primary instructional facility, Bell Hall, at the Command & General Staff College, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, is becoming incapable of performing its mission of preparing officers for positions of increased complexity and responsibility within the United States Army and other services. Bell Hall is the central academic and instructional facility of the C&GSC but the building's deteriorating physical plant and patchwork communication infrastructure can no longer support the instructional requirements contained in current and evolving Army curriculum. I am concerned that if a replacement facility is not constructed as soon as possible maintenance costs will continue to increase while Army Operation and Maintenance resources decline and student access to state-of-the-art technology required to teach advanced warfighting skills will remain limited.

Mr. WARNER. I believe construction of a new Command & General Staff College instruction facility will be included in the FY 2003 through 2007 Military Construction Future Years Defense Plan and I would certainly encourage the Army to execute this project as soon as possible.

Mr. ROBERTS. I thank the distinguished chairman of the Senate Armed Services Committee for his consideration and ask that the conferees include language in the conference report noting the need to execute this essential project as soon as possible.

MORNING BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF STEVE BENZA

Mr. THURMOND. Mr. President, It is neither an understatement, nor a misstatement of fact, to say that the United States Senate is an impressive, awe inspiring, and unique institution for many different reasons. Certainly one of the biggest reasons that the Senate is such a special place is the talented, dedicated, and bright men and women who work in support of us and our duties. I rise to pay tribute to one of these individuals, Steve Benza, who is retiring today after thirty-two years of service as an employee of the United States Senate.

Though he retains some of the mannerisms and accent that one would expect to find in someone who was born in the Bronx, New York City, Steve Benza is for all intents and purposes a native of the Senate. His family moved to the Washington area in 1958 and he began working in the Senate while a high school student, spending his summer breaks as a Page. Following graduation, Steve spent time working on the Grounds Crew and in the Senate Post Office before seizing the opportunity to work as a staff photographer, and his career was launched. As an aside, I would be remiss if I did not mention the fact that Senate service is a family tradition with the Benzas, Steve's mother Christine Benza has served with the Architect of the Capitol for the past forty-years.

Beginning his career as a ''shooter'', even before the contemporary Photographic Studio was established back in 1980, Steve Benza has become a familiar and well liked member of the Senate family. During his career here, Steve has met hundreds of Senators, taken probably millions of pictures, and has become an instantly recognizable institution with trademark mustache and trusted camera slung over his shoulder. In his almost thirty-years of working as an official photographer, Steve Benza has seen and chronicled everything from the mundane and routine to the unusual and historic. Confirmation hearings for Supreme Court Justices, the Fiftieth Anniversary of the D-Day Invasion, the Inaugurations of four Presidents, dozens of State of the Union Addresses and Joint Sessions of Congress, and the Impeachment Trial of President Clinton are all among the events that have been covered by Steve Benza.

In 1997, Steve was promoted from his position of supervisor of the Senate Photographers to Manager of the Senate Photo Studio where he has proven himself not only to be an able administrator, but someone of vision. Under his direction, the Senate Photographic Studio has invested in new equipment and technology, embracing the revolution in digital photography which has allowed for many innovations including quicker turn around time on orders, the creation of an image data base, and expanded services that ultimately benefit us and our constituents. Also under his direction, the Senate Photo Laboratory facilities were upgraded and training opportunities for staff were increased. All in all, the contributions and leadership of Steve Benza have turned the Photo Studio into a modern operation, equipped with the technology of the new century, and as a result, he has increased the efficiency of this vital Senate support service. He unquestionably leaves an impressive legacy of dedication to his job, and he has set an excellent example for others to emulate.

It is hard to believe that after more than three-decades, Steve Benza has decided to retire. I know it is safe to say that he will missed by countless individuals including all one-hundred Senators, but I am certain that each of us will remember him. I had the pleasure of having Steve travel with me to the People's Republic of China when I led a delegation to that nation in 1997. Beyond putting together an impressive collection of images that chronicled our journey, Steve's relaxed disposition and ready sense of humor made what was a pleasurable journey all the more enjoyable.

As many of us know, Steve Benza is a devoted family man. Though I understand that he has not made-up his mind as to what he will do in his retirement, I am certain that spending time with his wife Alma, and children George and Annie, will be a big part of his activities, as will pursuing his passions of fishing and golfing. Regardless of what Steve chooses to do in the future, I wish him many years of health, happiness, and success, and I want him to know that I am grateful and appreciative for his many years of loyal service to the United States Senate. It has been a pleasure to know him and I will certainly miss him.

TRIBUTE TO COLONEL TERESA M. PETERSON, UNITED STATES AIR FORCE

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision, and public service of

Colonel Teresa M. Peterson who is leaving the 14th Flying Training Wing (14 FTW) after two years of devoted service to become the Director of Transportation on the Air Force staff in the Pentagon. It is a privilege for me to recognize her many outstanding achievements at Columbus Air Force Base, and to commend her for the superb service she has provided the Air Force and our great Nation.

As Commander of the 14th Flying Training Wing, Colonel Peterson spearheaded the training and education of our Nation's next generation of Air Force pilots. The epitome of an Air Force officer and accomplished pilot, she provided our Nation's future warriors with inspirational leadership and an outstanding training environment. Her talents were showcased in every aspect of Columbus AFB operations and highlighted through outstanding performances on command inspections such as the 1998 Headquarters Air Education and Training Command (AETC) Operational Readiness Inspection.

Colonel Peterson's quality of life initiatives for Columbus AFB provided the installation with $56 million in improvements. Those initiatives included construction of a $6.3 million Unaccompanied Officer Quarters and a $25 million, 202 unit, highly sensitive family housing complex. She deftly negotiated resolution of several complex contracting challenges on the family housing project and ensured that contractor issues were handled quickly and efficiently. Her vision and oversight of numerous facilities construction and renovation projects significantly enhanced the training environment and living conditions of Columbus AFB personnel.

Under Colonel Peterson's leadership and guidance, Columbus AFB was a showcase for visitors which included the Secretary of the Air Force, members of Congress, foreign dignitaries, numerous flag officers, and friends and families of the Specialized Undergraduate Pilot Training Program. Her dedication to the Air Force and her people and the vision she established for Columbus AFB are her greatest assets, netting Columbus unprecedented recognition with AETC and the Air Force.

She aggressively met the increased Air Force pilot demand through activation of the first reserve associate squadron, seamlessly integrating reservists with active duty instructor pilots to mitigate force reduction problems. Colonel Peterson managed the second busiest military airfield east of the Mississippi River, with more than 200,000 aircraft operations annually. Her area of responsibility included 49,000 square miles of airspace in close coordination with 13 civilian satellite airports. Under her command, Columbus AFB has remained one of the safest flying operations in the AETC.

She astutely enhanced pilot training at its initial phase by establishing co-equal T–37 squadrons with an operating concept for synchronized training and operations under two distinct supervisors. She managed pilot training and support operations for USAF and international officers using a fleet of 247 T–37B, T–38A, T–1A and AT–38B aircraft and 14 instrument simulators. Her extraordinary aviation skills, coupled with her vast experience and boundless warrior spirit, ensured that Columbus AFB was aggressively able to meet the challenge of increased Air Force pilot demand. Her efforts produced 585 Specialized Undergraduate Pilot Training and 481 Introduction to Fighter Fundamental student pilots who flew 146,795 sorties totaling 198,722 hours during her tenure.

As Colonel Teresa Peterson leaves Columbus Air Force Base, she leaves behind a legacy of excellence and ''firsts.'' She was the first woman in the Air Force to command a flying squadron; the first active duty woman to command an Air Force flying wing; and, the first woman pilot to make the rank of brigadier general. She is recognized as an honorary member of the Tuskegee Airmen (Alva N. Temple Chapter) and a member of the Mississippi University for Women's National Board of Distinguished Women. Colonel Peterson is an outstanding officer and a credit to the United States Air Force and our great Nation. I call upon my colleagues from both sides of the aisle to recognize her service to Columbus Air Force Base and wish her well in her next assignment.

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress 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 we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 7, 1999: Devron Baker, 17, Baltimore, MD; Allen Galathe, 19, New Orleans, LA; Jose Junco, 27, Houston, TX; Raynell Lawrence, 24, New Orleans, LA; Kenneth Martin, 41, New Orleans, LA; Earl Merriweather, 23, Atlanta, GA; Solomon Morrison, 65, New Orleans, LA; Lawrence Piedra, 39, Philadelphia, PA; Allan P. Raidna, 30, Seattle, WA; Angel Retemar, 19, Bridgeport, CT; Timothy Stovall, 12, New Orleans, LA; Unidentified male, 49, Bellingham, WA.

UNANIMOUS CONSENT REQUEST

Mr. SHELBY. Mr. President, I ask unanimous consent that a letter to Senators LOTT and DASCHLE dated May 21, 2000, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 25, 2000.

HON. TRENT LOTT,
Majority Leader,
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

SENATOR LOTT AND DASCHLE: S. 1902, the Japanese Imperial Army Disclosure Act, contains provisions affecting intelligence activities and programs. This legislation, which amends the National Security Act of 1947, would permit the release of any portion of any operational file of the Central Intelligence Agency. As you know, these are issues of significant interest to, and clearly within the jurisdiction of, the Select Committee on Intelligence. Therefore, pursuant to Senate Resolution 400, we hereby request that S. 1902 be referred to the Intelligence Committee for consideration.

Sincerely,

RICHARD C. SHELBY,
Chairman.
RICHARD H. BRYAN,
Vice Chairman.

COMMITTEE ON RULES AND ADMINISTRATION RULE CHANGE

Mr. MCCONNELL. Mr. President, I would like to give notice to Members and staff of the Senate that the Committee on Rules and Administration has approved the following change to its Rules of Procedure.

The Committee's rules approved at the beginning of the 106th Congress require 4 members of the committee to constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee to constitute a quorum for the purpose of taking testimony not under oath.

The Committee intends to amend paragraph 3 of Title II of the Rules of Precedure for the Committee on Rules and Administration to state:

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that once a quorum is established for the purpose of taking testimony under oath, any one member can continue to take such testimony.

This amendment shall be effective on June 8, 2000, and will make the Rules Committee's quorum rules more consistent with the quorum rules of most other standing committees.

PENNSYLVANIANS RAISE FUNDS FOR WORLD WAR II MEMORIAL

Mr. SANTORUM. Mr. President, I rise today to recognize the accomplishments of 30,020 Pennsylvanian Wal-Mart associates. These dedicated individuals, along with 870,000 other Wal-Mart associates nationwide, raised more than $14 million for the National World War II Memorial Campaign.

This outstanding achievement brought the World War II Memorial

Fund to more than $90 million. This donation brings the fund increasingly closer to its goal of $100 million. On June 6, 2000, Barbara Ritenour and Bonnie Cowell from Belle Vernon, PA joined 40 other Wal-Mart associates to present this contribution to former Senator Robert Dole, National Chairman of the World War II Memorial Campaign on the National Mall in Washington, D.C.

The purpose of this event on June 6 was to thank those who went above and beyond the call of duty to help meet this financial goal. It was the small contributions of bake sales and parking lot carnivals that made such a difference.

Wal-Mart employs over 1,900 World War II veterans. They recognize the importance of constructing a memorial to salute the men and women who fought in the war as well as those who supported it from the home front.

I commend the efforts of those so dedicated to the memory of those who served in World War II, and I wish the World War II Memorial Campaign continued success as they work to meet the remainder of their $100 million goal.

RYAN WHITE CARE ACT

Mr. KENNEDY. Mr. President, yesterday we passed the Ryan White CARE Reauthorization Act. I commend everyone in the Senate who has worked so effectively on the issue of HIV and AIDS, beginning with Senator JEFFORDS, who has been a champion on this issue since the CARE Act was first authorized in 1990. I also thank the sponsors of this bill and our colleagues on the Health Committee who have sounded the alarm about the HIV/AIDS crisis through their unwavering support of the CARE Act reauthorization.

There is no stronger or more effective support than a full Senate unanimous vote today to show that, in each and every one of our states, we stand behind a bill that will enable so many citizens to receive the benefits of advances in therapies and support developed through our efforts over the past ten years.

At times of great human suffering or great tragedies or epidemics, it has often been the leadership of the federal government that has helped our fellow citizens deal with difficulties. It is in that very important tradition that this legislation was originally enacted and I urge the Senate to approve this important reauthorization of it today.

Ryan White, the young boy after whom the CARE Act was named, would have celebrated his twenty-eighth birthday this year. If we had we been as far along as we are now in providing life-prolonging and life-saving therapies, Ryan might well have been here with us, thanking each of us for the lifeline and the hope provided through the CARE Act.

Since the beginning of this epidemic, AIDS has claimed over 400,000 lives in the United States, and an estimated 900,000 Americans are living with HIV/AIDS today. AIDS continues to claim the most vulnerable among us. Like other epidemics before it, Aids is now hitting hardest in areas where knowledge about the disease is scarce and poverty is high. The epidemic has dealt a particularly severe blow to communities of color, which account for 73% of all new HIV infections. Women account for 30% of new infections. Over half of all new infections occur in persons under 25. This means that HIV infection of the nation's youth is a national crisis.

AIDS continues to kill brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives. From the 30,000 AIDS orphans in New York City to the 21 year old gay man with HIV living in Iowa, this epidemic knows no geographic boundaries and has no mercy.

An estimated 34% of AIDS cases in the U.S. are in rural areas, and this percentage is growing. We know the challenges faced in rural communities where pulling together in the face of adversity is commonplace in other case. But where too often today there is silence and isolation because of the fear of condemnation over AIDS.

In addition, access to good medical care is often a significant barrier for many of our citizens with disabling diseases, who have to travel to urban centers to receive the care they need and deserve. As the AIDS crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem. In a very real way, we are all living with AIDS or are directly touched by AIDS.

The epidemic still kills over 47,000 persons a year. But we have good reason today to feel encouraged by the extraordinary medical advances made over the past ten years. AIDS deaths declined by 20% between 1997 and 1998. Many people with HIV and AIDS are leading longer and healthier lives today.

In addition, we have witnessed the smallest increase in new AIDS cases—11% in 1998, compared to an 18% increase in 1997. More families are leading productive lives in our society, in spite of their HIV diagnosis. This is the good news. But unfortunately, the number of people living with AIDS who can't afford expensive medical treatment is growing which means that greater demands are being placed on community-based organizations and state and local governments that serve them.

The advances in the development of life-saving HIV/AIDS drugs has come with an enormous price tag and these advances have been costly. An estimated 30% of person living with AIDS do not have health care coverage to pay for costly treatments. For these Americans, the CARE Act continues to provide the only means to obtain the health care and the treatment they need.

In Massachusetts we have seen an overall 77% decline in AIDS and HIV-related deaths since 1995. At the same time, however, like many other states, the changing HIV/AIDS trends and profiles are serious problems. AIDS and HIV cases increased in women by 11% from 1997 to 1998. 55% of persons living with AIDS in the state are person of color. State budgets often provide funds for prevention, screening and primary care. But no state could provide the major financial resources needed to help person living with HIV disease to obtain the medical and support services they need, without the Ryan White CARE Act.

By passing this legislation, we are making clear that the AIDS epidemic in the United States will receive the attention and public health response it deserves. The CARE Act reauthorization brings hope to over 600,000 persons each year in dealing with the devastating disease. It also brings hope and help to their families and their communities.

The enactment of this legislation in 1990 was an emergency response to the devastating effects of HIV on individuals, families, communities, and state and local governments. The Act targets funds to respond to the specific needs of specific communities. Title I targets the hardest hit metropolitan areas in the country. Local planning and priority-setting requirements under Title I assure that each of the Eligible Metropolitan Area can respond effectively to the local HIV/AIDS needs.

Title II funds emergency relief to states. It helps them to develop HIV care infrastructure, and to provide effective and life-sustaining drug therapies through the AIDS Drug Assistance Program to over 61,000 persons each month.

Title III funds community health centers and other primary health care providers that serve areas with a significant and disproportionate need for HIV care. Many of these community health centers are located in the hardest hit areas, serving low income communities. Title IV of the CARE Act meets the specific needs of women, children, and families.

This reauthorization builds on these past accomplishments, while recognizing the challenge of ensuring access to HIV drug treatments for all who need them. Our goal is to reduce health disparities in vulnerable communities, and improve the distribution and quality of services. Senator JEFFORDS and I have worked together to address new challenges we face in the battle against AIDS. This reauthorization will create additional funding for states that have had to limit access to new therapies due to lack of resources. The bill also targets new funds to smaller metropolitan areas and to rural and urban communities, where the epidemic is growing and adequate infrastructure is lacking.

In addition, the bill funds early intervention services to promote early diagnosis of HIV disease, referral to health

care, and initiation of effective treatments to reduce the onset of the illness and its progression. Health disparities in communities of color will be reduced by requiring states and local communities funded by the Act to plan, set priorities, and fund initiatives to meet documented local needs in dealing with the epidemic. The reauthorization will also establish quality and accountability in HIV service delivery, by strengthening quality management activities to make them consistent with Public Health Service guidelines.

Our action yesterday affirmed our long-standing commitment to citizens with HIV/AIDS and to sound public policy for all citizens, families and communities touched by this devastating disease. We have the resources to continue to battle AIDS. We must continue to deal with this disease with the same courage shown to us ten years ago by the valiant ten year old, Ryan White, who spoke out against the ignorance the discrimination faced by so many people living with AIDS. The lives saved by our efforts through the CARE Act will mean a chance for real hope as medical research comes closer and closer to finding a cure.

Mr. SMITH of Oregon. Mr. President, I am delighted that last night the Senate voted to reauthorize the Ryan White CARE Act, S. 2311. I am proud to count myself as one of the cosponsors of this legislation in the Senate and strongly support its swift passage by the House.

The HIV/AIDS epidemic continues to take a high toll on Americans infected with HIV and their families. HIV/AIDS has affected Oregon in many ways. Almost five thousand Oregonians have been diagnosed with AIDS—resulting in almost 3,000 deaths. In addition, those infected with HIV number up to 8,500 in Oregon. This epidemic has touched people in every part of my State—rural and urban, rich and poor, senior citizens and newborns.

Although the story of each of these individuals living with HIV/AIDS is different, they all have one thing in common: they all benefit from the Ryan White CARE Act. Oregon received almost $8.5 million federal dollars last year to fund programs through the Ryan White CARE Act.

Passage of the Ryan White CARE Act will allow Oregonians living with HIV to have timely access to life-prolonging medications and necessary health care and support services, regardless of income level or insurance status. The Ryan White CARE Act will also improve access for HIV positive Oregonians to clinical trials, with the potential for additional scientific breakthroughs in the treatment of HIV/AIDS.

I call for the House to join the Senate in a similar quick passage of the Ryan White CARE Act that will allow hundreds of thousands of HIV positive Americans to remain healthy, productive members of their communities, while slowing the spread of the AIDS epidemic.

I would like to thank my friend Terry Bean of Portland, Oregon for talking to me about the good things the Ryan White Act does for Oregonians living with HIV/AIDS. Terry is a long time board member of the Human Rights Campaign and has been a highly valued advisor on issues affecting the Gay and Lesbian community in Oregon.

Terry's thoughts and wisdom on hate crimes, ENDA and fighting against all types of discrimination have provided me with an ethical marker for doing what is right on the Senate Floor for Oregonians. I do feel lucky that Terry's advice is dispensed on a golf course—though the only criticism I may have for Terry is that he lacks the political savvy to lose to a United States Senator. I thank him anyway for his strong support and good advice.

Mrs. FEINSTEIN. Mr. President, yesterday the Senate reauthorized a very important piece of legislation: the Ryan White CARE Act. I want to thank Senators KENNEDY and JEFFORDS for their work and commitment to reauthorizing the Ryan White CARE Act.

The CARE Act provides access to health care for tens of thousands of low-income people living with HIV and AIDS. This vital Act is set to expire on September 30, 2000. We must move quickly to ensure that it is reauthorized. Without the CARE Act, access to important health-related services could be jeopardized for hundreds of thousands of people living with HIV/AIDS.

Since 1990, the CARE Act has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS, including access to primary medical care, pharmaceuticals, and support services. The CARE Act provides services to people who would not otherwise have access to care.

The CARE Act is particularly important to communities of color. The HIV epidemic is devastating communities of color. Currently, AIDS is the leading cause of death among African American men and the second leading cause of death among African American women between the ages of 25 and 44. Comparably, AIDS is the fifth leading cause of death among all Americans in this age group. A disproportionate number of African Americans and Hispanic/Latinos are also living with AIDS. Whereas African Americans represent only 13 percent of the total U.S. population, they represent 36 percent of reported AIDS cases. Likewise, Latinos represent 9 percent of the population but 17 percent all of AIDS cases.

The Ryan White CARE Act is important to thousands of Californians. Two of California's largest cities, Los Angeles and San Francisco, are among the top four metropolitan cites with the highest number of AIDS cases in the United States. California has the second highest number of AIDS cases, with over 40,000 Californians currently living with AIDS. Through the CARE Act, Los Angeles has provided services to over 43,160 clients since 1996. San Francisco has provided services to 47,440 since 1996. These numbers alone demonstrate the significant impact the CARE Act has had on California.

A majority of newly diagnosed AIDS cases in California are among people of color. Through 1998, over half of all AIDS cases are reported among racial and ethnic minorities in California. In Los Angeles, and Oakland that number rises to over 60 percent, according to the Ryan White CARE Act state profiles.

Los Angeles County and San Francisco County were among the first sixteen eligible metropolitan areas to receive Title I emergency Ryan White CARE Act funds in 1991. California has been significantly impacted by the HIV/AIDS since the beginning of the epidemic, and has greatly benefitted from the Ryan White CARE Act since 1990.

The CARE Act has been very successful in the past decade. Over the last several years, the CARE Act has:

Helped to reduce AIDS mortality by 70 percent. Due to combination anti-retroviral therapies being made more widely available through the CARE Act, the AIDS death rate in 1997 was the lowest in nearly a decade.

Helped to reduce mother-to-child transmission by 75 percent.

Helped to reduce the number and length of expensive hospitalizations by 30 percent. It has also helped decrease the use of medical speciality care.

Helped 97,000 individuals access drugs through the AIDS Drug Assistance Program in 1997.

Helped 315,234 people receive HIV testing and counseling services in 1997.

Helped 66,000 people access dental care in 1998.

Promoted health and well-being which has enabled many people living with HIV to return to work and remain healthy, and actively participate in society.

The CARE Act is more important now than ever. HIV/AIDS remains a health emergency in the United States. The Centers for Disease Control estimates that 40,000 new cases are reported annually. According to the Centers for Disease Control, between 650,000 and 900,000 Americans are currently infected with HIV while the number of AIDS cases has nearly doubled over the past five years. According to Dr. Fauci at the National Institutes of Health, the worse is yet to come in the 21st century. The state of the epidemic points to the need for an increase, rather than a decrease, in health care and drug treatment for people living with HIV/AIDS. Communities of color and women will continue to be the most heavily impacted in the 21st century.

We have made many advances in testing, treatment, and research since the early days of the disease and the beginnings of the Ryan White CARE Act. Drugs now exist that can prolong and improve the quality of life. These drugs are not a cure, but they enable

many people to lead a more ''normal'' life. Our job is not done, however, until we have made certain that all people have access to these life-prolonging medications.

The work we were able to accomplish in San Francisco for people living with HIV/AIDS is one of my proudest achievements as Mayor of the City and County of San Francisco. In 1981, when there were only 76 diagnosed cases, we provided $180,000 for prevention and social services for people living with HIV/AIDS. These were some of the first public funds allocated for AIDS in the United States. In 1987, during my last full year as mayor, 20,000 AIDS deaths were reported in San Francisco and we increased funding to $20 million. There was no federal Ryan White program then; I struggled to find this money in the city budget. Fortunately, for cities and States across the country, we now have the Ryan White CARE Act.

I pledge to do all I can to eliminate AIDS. As I have said time and time again: I was there in the beginning and I plan to be there in the end. In the meantime, we must make certain that the uninsured and under-insured have access to life-prolonging HIV treatments. The Ryan White CARE Act has proven to be an essential and effective Federal program for the uninsured and under-insured. We must ensure the continuation of the Ryan White CARE Act.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 6, 2000, the Federal debt stood at $5,647,513,754,741.07 (Five trillion, six hundred forty-seven billion, five hundred thirteen million, seven hundred fifty-four thousand, seven hundred forty-one dollars and seven cents).

Five years ago, June 5, 1995, the Federal debt stood at $4,904,369,000,000 (Four trillion, nine hundred four billion, three hundred sixty-nine million).

Ten years ago, June 5, 1990, the Federal debt stood at $3,127,273,000,000 (Three trillion, one hundred twenty-seven billion, two hundred seventy-three million).

Fifteen years ago, June 5, 1985, the Federal debt stood at $1,776,407,000,000 (One trillion, seven hundred seventy-six billion, four hundred seven million).

Twenty-five years ago, June 5, 1975, the Federal debt stood at $524,448,000,000 (Five hundred twenty-four billion, four hundred fourty-eight million) which reflects a debt increase of more than $5 trillion—$5,123,065,754,741.07 (Five trillion, one hundred twenty-three billion, sixty-five million, seven hundred fifty-four thousand, seven hundred forty-one dollars and seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

STAFF SERGEANT ANA V. ORTIZ

● Mr. DODD. Mr. President, I rise today to pay tribute to a well-respected and remarkable public servant, Staff Sergeant Ana V. Ortiz, who has been chosen to receive the 2000 National Image Salute to Hispanics Award. Not only is Staff Sergeant Ortiz an upstanding and dedicated member of the Connecticut Air National Guard, but she is also the principal of the Betances Elementary School in Hartford and an active and vital member of her community.

Staff Sergeant Ortiz has dedicated nine years of service to the Connecticut Air National Guard, displaying the qualities of a natural leader and setting an example for others to follow. She participated in three Air Force contingency operations that have sent her around the world. In 1996, she supported Operation Decisive Endeavor in Italy; 1998 found her in Panama playing a role in Constant Vigil; and just last year she worked in Southwest Asia for Operation Guarded Skies. Staff Sergeant Ortiz previously attended the Air National Guard Diversity Conference, as well as the National Guard Bureau's National Diversity Program. A vocal advocate for diversity within the Air National Guard, she worked to build a solid foundation for minorities in the military, as well as a better understanding of the armed forces among both minorities and non-minorities. Her work in the Guard has earned her the Armed Forces Reserve Medal and two Air Force Achievement Medals.

Although her military feats are impressive, Staff Sergeant Ortiz is further known for her strong commitment to the Hartford schools and community. As the principal of Betances Elementary School she keeps actively involved with her students and community. Staff Sergeant Ortiz is a member of the Language Arts Committee for the State of Connecticut, and a contributor to the Center for Youth After-School Programs, the Center City Churches, and the Charter Oak Cultural Center. She also encourages and maintains a partnership program with suburban schools in the surrounding area, and is constantly working to improve education and educational opportunities for her students.

Ms. Ortiz' commitment to her students extends far beyond the school grounds. She was selected to serve on the Hartford Police Department Task Force for students at risk in the community, which strives to encourage children to find positive ways to overcome the dangers of drugs and violence that face our communities today. Furthermore, Ms. Ortiz is actively involved in protecting Connecticut's park attractions through her membership on the board of directors of the Bushnell Park Foundation, again promoting the well-being of her school children, as well as the entire community.

Ms. Ortiz' professional achievements are matched by an impressive educational background. She earned a Bachelors of Science degree in Education with an English major from Central University in Puerto Rico, a Masters degree in Reading from the University of Hartford, and a six year degree in Supervision and Administration from the University of Connecticut. Her wide range of expertise has enabled her to better excel in all aspects of her life, and the surrounding community has clearly benefitted as a result.

Staff Sergeant Ortiz strives to make the world a better place for all—through her military service, community work, and involvement with Connecticut schools. Her dedication and commitment appear to be boundless, and she is wholly deserving of the 2000 National Image Salute to Hispanics Award. Staff Sergeant Ortiz will travel to San Juan, Puerto Rico on Thursday, June 8, 2000 to receive her prestigious award.●

RETIREMENT OF RICHARD W. CANNON

● Mr. L. CHAFEE. Mr. President, on June 16th, family, friends and colleagues will gather to honor Richard W. Cannon, who has served the Social Security Administration for 39 years, and is retiring as District Manager of the Providence, RI office.

Mr. Cannon has demonstrated an exemplary record of service to New England and the Social Security Administration (SSA). He began his career with SSA as a Claims Representative in the Pawtucket, RI office in September, 1961. He quickly rose through the ranks, receiving promotions to field Representative, Operations Supervisor, Branch Manager, Assistant District Manager, and finally to District Manager by 1976. He has held the position of District Manager for 24 years in three offices: New London, CT; Cambridge, MA; and since May 1987, Providence.

Not only has Rhode Island benefited from Richard's services, but regions across the country have as well. He served stints in Social Security Administration offices in New York, California, and Hawaii, But, it has been our good fortune that he continues to return to his home state of Rhode Island.

He has shared his knowledge and expertise not only with his office colleagues, but with members of the Rhode Island Federal Executive Council, which he led as chairman for two years, and the New England Social Security Managers Association, where he also held office.

Lest we think that Richard's life was dedicated solely to the Social Security Administration, he also enjoys the outdoors. I have it on good authority that he can often be seen leaving his home in Snug Harbor to cruise the waters of Narrangansett Bay, hoping to entice a fish or two to join him in his boat.

As Richard prepares for his private life away from the duties of his terribly

demanding job, I want to congratulate and thank him for all that he has given to the Social Security Administration and his community.●

KANSAS CITY SESQUICENTENNIAL

● Mr. ASHCROFT. Mr. President, I rise to honor one of the great cities in Missouri: Kansas City. On June 3, 1850, the Town of Kansas was incorporated. Three years later, the town was reincorporated as the City of Kansas and renamed Kansas City in 1889. Today, Kansas Citians are celebrating the sesquicentennial of Kansas City, Missouri.

Kansas City is situated at the point of entry at the confluence of the Missouri and Kansas Rivers. In the beginning, Kansas City was known as the last point of civilization before venturing into the untamed West. The settlement quickly prospered as an outfitting post for gold prospectors and homesteaders who were moving west.

Because of its geographical location in the middle of the United States, Kansas City was destined to develop into one of our nation's most important trading markets and distribution hubs for goods and services.

As Kansas City began to grow and prosper it became a major region for raising and sending cattle to market. Kansas City quickly emerged as the largest cattle market in the world. Since that time, each Fall, the American Royal Festival is held to pay tribute to this rich cultural heritage.

Two words come to mind when people talk about Kansas City. Those two words are Jazz and Barbecue. Kansas City is world renowned for both. One also must not forget the grandeur of the Christmas lights that adorn Country Club Plaza, viewed annually by thousands.

Kansas City is home to the Liberty Memorial which honors America's sons and daughters who defended liberty and our country through their service in World War I. This Memorial serves as a tribute to ensure that the sacrifices made by those brave men and women are not forgotten.

Union Station was the gateway for many World War II service men and women passing through Kansas City on their way to service. Now newly refurbished it still stands tall and stately as a major tourist attraction.

In the 1960s, Kansas City emerged as a powerhouse in professional sports. Lamar Hunt brought the Chiefs NFL football team to Kansas City, and Ewing Kauffman was awarded a major league baseball franchise. The Kansas City Chiefs and the Kansas City Royals have both captured world pennants.

From its vibrant past to its glowing future, Kansas City is a community that remains on the cutting edge of technology, industry, medical research, manufacturing, and sports. At the dawn of a new century, Kansas City will continue to grow and prosper and rise to her highest and best.

Mr. President, it is a distinct privilege to represent this great city in the United States Senate. I request that my colleagues join me in recognizing Kansas City for its 150 years of contributions to our great land and paying tribute to the KC150 celebration, Kansas City's sesquicentennial.

CONGRATULATIONS TO CHARLIE HOWELL

● Mr. COVERDELL. Mr. President, I am pleased to inform my colleagues that a young man from my state, Charlie Howell, won the individual National Collegiate Athletic Association golf championship this past weekend. Charlie hails from Augusta, home of the Masters Golf Tournament, and his achievement marks the beginning of another chapter in the great golf tradition of the Augusta area.

Charlie, a junior at Oklahoma State University, finished the event with a final score of 265, a full 23 strokes under par. His score shattered the previous championship record of 17 under. Given the number of talented players who have won the title, including Tiger Woods, Charlie's accomplishment is nothing short of phenomenal.

Along with his win in the individual tournament, Charlie helped the Oklahoma State team win the National Championship as well. This marks the first time since 1990 that the individual champion was also apart of a national championship team.

While success on the professional golf circuit almost certainly awaits Charlie, he has decided that his future can wait. Charlie will return to OSU for his senior year, helping to lead his team in defense of their title, and more importantly, to complete his college education.

Charlie's hard work and dedication to the sport have paid off handsomely. He now joins an elite group of golfers that can call themselves NCAA champions. I commend Charlie for his tremendous accomplishment, and wish him well in all of his future endeavors.●

HONORING STUDENTS FROM GREEN RIVER HIGH SCHOOL

● Mr. THOMAS. Mr. President, on May 6–8, 2000, more than 1200 students from across the United States came to Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Green River High School in Green River, Wyoming, represented my state in this national event. These young scholars worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The participating students were Richard Baxter, Natalie Binder, Katharine Bracken, Cameron Kelsey, Sandra Newton, Jacque Owen, Jeremy Pitts, Benjamin Potmesil, Meagan Reese, Rachel Ryckman, Ryan Stewart, and Steven Ujvary. I also want to recognize their teacher, Dennis Johnson, who deserves much of the credit for the success of the team.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress, during which a panel of judges from a variety of appropriate professional fields probes the students for their depth of understanding and ability to apply their constitutional knowledge.

The class from Green River represented the state of Wyoming well during the finals, and I wish these ''constitutional experts'' the best of luck as they continue to cultivate their interest in the principles upon which our great country was founded.●

REGARDING THE IMPORTANCE OF OUR CONSTITUTION

● Mr. ENZI. Mr. President, I want to take a moment to recognize some special students from my home state of Wyoming, Green River to be specific, who have been spending a lot of their time studying our Constitution. They got so good at it, in fact, that they entered a national competition here in Washington to test their knowledge against the best of their peers and had a remarkable result.

Earlier this month students from around the country came to the nation's capital to compete on their understanding of our Constitution and our American Government. The students of Green River High School did very well in that event. In fact, their understanding and grasp of the fundamental principles of our Democracy and the meaning of our Constitution was judged to be among the best of the 50 teams that participated.

Programs like the one the students of Green River participated in are vital if we are to ensure that our future leaders have an understanding of the principles of our Constitution and the beliefs and values our Founding Fathers brought to the creation of our government. Such an understanding is an important part of our children's education for it will help them understand that the rights and freedoms afforded by our Constitution bring with them certain duties and responsibilities - the duties and responsibilities of citizenship. That will help them understand their role as they become our local, state and national leaders and face the challenges of the new millennium.

Good work, Green River High School! Led by their teacher, Dennis Johnson, and supported by their State Coordinator, Dick Kean, and their District Coordinator, Matt Strannigan, they did a great job and made Wyoming proud.

I would also like to congratulate each member of the team, which includes: Richard Baxter, Natalie Binder, Katharine Bracken, Cameron Kelsey, Sandra Newton, Jacque Owen, Jeremy Pitts, Benjamin Potmesil, Meagan Reese, Rachel Ryckman, Ryan Stewart and Steven Ujvary.●

RECOGNITION OF WHITE PASS & YUKON RAILROAD'S 100TH ANNIVERSARY

● Mr. MURKOWSKI. Mr. President, I rise today to recognize an Alaskan institution as it nears its 100th birthday.

It is a major tourist attraction in Alaska, the eighth most popular in the state in 1998, boosting ridership in 1999 to about 274,000 passengers. It is an engineering marvel, having been named an International Historic Civil Engineering Landmark in 1994, such as the Panama Canal, Eiffel Tower, and the Statue of Liberty. It is an historic institution, its history tied directly to that of the Territory and State of Alaska. It got its start because of the famed Klondike Gold Rush of 1898—the last great Gold Rush in North American history. But it is more.

The White Pass & Yukon narrow-gauge Railroad is a lasting monument to the power of a dream, and to the ability of this country to mobilize technology. And it is proof positive that if you never give up, you can accomplish any worthwhile task, no matter how difficult the challenge. That lesson is as important today, as it was in 1900, at the line's completion.

It was early in 1898 when two men came north intent upon solving a transportation dilemma—intent upon moving men and supplies across the daunting Coast Mountains of Southeast Alaska, so they could reach the gold fields of the Yukon to forge national wealth for both Canada and America from the virgin wilderness. Sir Thomas Tancrede, a representative of a group of British financiers and Michael J. Heney, a Canadian railway contractor, by chance met one night at a hotel bar in Skagway, Alaska.

Tancrede, after detailed surveys, had concluded that it was impossible to build a railroad through the rugged St. Elias Mountains that separate the interior of the Yukon from Alaska at the northern end of the Alaska Panhandle. But Heney had just the opposite view. After an all-night ''discussion,'' one of the world's great railroad projects was no longer a dream, but an accepted challenge.

On May 28, 1898, construction began on the White Pass & Yukon Route. Utilizing tons of black powder and thousands of workers the project began. Two months later the railroad's first engine pulled an excursion train from Skagway north over the first four miles of completed track, making the WP&YR, the northernmost railroad in the Western Hemisphere—the first built above 60 degrees north latitude.

From there on, the going got tough. The railroad, truly an international undertaking, climbed from sea level at the docks in Skagway through sheer mountains to 2,865 feet at the summit of the White Pass. It faces grades as steep as 3.9 percent. Heney's workers hung suspended by ropes from the vertical granite cliffs, chipping away with picks and planting black powder to blast a right-of-way through the mountains. Heavy snow and temperatures as low as −60 °F hampered the work. And the mere whisper of a new gold find sent workers scurrying off in droves.

With all odds against it, the track reached the summit of White Pass on Feb. 20, 1899 and by July 6, construction reached the headwaters of the great Yukon River at Lake Bennett. While southern gangs blasted their way through the pass, a northern crew worked toward Whitehorse, later the capital of the Yukon Territory. On July 29, 1900, the 110-miles of rails met at Carcross, where a ceremonial spike was driven by Samuel H. Graves, the company's first president. It is that anniversary—the Golden Spike Centennial Celebration—that will take place in Carcross, Yukon Territory, on Saturday, July 29 that is a reason for this statement.

Another reason, however, is simply to honor the White Pass, one of the most historic and quaint railroads in the world. Through the years when Alaska was a territory and later a state, the railroad enjoyed a rich and colorful history. It hauled passengers and freight to the Yukon; was a chief supplier for the U.S. Army's Alaska Highway construction project during World War II; and later was a basic freight railroad, hauling metal from the mines of the Yukon to tidewater in Alaska. The company after WWII began modernizing itself, retiring the last of its stream engines in 1964, switching to diesel locomotives. It became a fully-integrated transportation system, carrying freight (containers and highway tractor-trailer units) and passengers from Alaska to Canada's Interior.

In 1982, however, world metal prices plummeted and the major mines in the Yukon shut down—metals being the most dependable freight during its first 82 years of service—causing the railroad's operations to be suspended. It was six long years later that the railroad reopened to provide tourist excursions for the 20.4 mile trip from tidewater to the summit of the White Pass and back to Skagway. It also picks up hikers who trek the famed Chilkoot Trail that ends at Lake Bennett and brings them to the Klondike Highway for road transport home.

The railroad along the way paid homage to its heritage by saving old steam engine No. 73, a 1947, 2–8–2 Mikado class steam locomotive, and later restoring her for ceremonial service, so that passengers can venture from the docks in historic downtown Skagway—center of the Klondike Gold Rush National Historic Park—toward the old Gold Rush cemetery, just 1.5 miles away. In those few miles, tourists can feel the rumble, hear the noise and experience the romance of historic American train travel.

The White Pass embodies Alaska's ''boom-and-bust'' history, being born as a result of the Klondike Gold Rush. It is the direct result of the spirit and economic boom started in August 1896 when George Washington Carmack and his two Indian companions, Skookum Jim and Tagish Charlie, found gold in a tributary of the Klondike, later named Bonzana Creek outside of Dawson. The railroad experienced the territory's malaise in the early 20th Century, until World War II reinvigorated it. It survived the downturn in North American mining industry and is now benefiting from the growth of the nation's tourism industry and America's renewed interest in its history.

All of America is better off for the railroad's presence. It today is a slice of living history that helps fuel the imagination of Americans and a love for our nation's past. It is a national treasure that we all need to protect and preserve. Happy Golden Anniversary to all the employees of the railroad and may you have a second great century of exciting and historic travel.●

MESSAGE FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3642) an act to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 777) an act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office.''

H.R. 3535. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building.''

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

The message also announced that the House has agreed to the following concurrent resolution, which it requests the concurrence of the Senate:

H. Con. Res. 229. A concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office''; to the Committee on Governmental Affairs.

H.R. 3535. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning; to the Committee on Commerce, Science, and Transportation.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building''; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 229. A concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9141. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans' Affairs, transmitting, a draft of proposed legislation to authorize major medical facility projects for the Department of Veterans Affairs for Fiscal Year 2001 and for other purposes; to the Committee on Veterans' Affairs.

EC–9142. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans' Affairs, transmitting, a draft of proposed legislation entitled ''The Veterans Housing Loan Amendments of 2000''; to the Committee on Veterans' Affairs.

EC–9143. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on transportation security for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–9144. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Automotive Fuel Economy Program for calendar year 1999; to the Committee on Commerce, Science, and Transportation.

EC–9145. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–9146. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a statement with respect to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC–9147. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to the provisions of the new part 702 concerning the NCUA Board; to the Committee on Banking, Housing, and Urban Affairs.

EC–9148. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to agency compliance with mandatory use concerning Government charge cards; to the Committee on Governmental Affairs.

EC–9149. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''The Costs and Benefits of Federal Regulations, 1999''; to the Committee on Governmental Affairs.

EC–9150. A communication from the Commissioner of Social Security, transmitting, a draft of proposed legislation entitled ''The Social Security Administration Fiscal Year 2001 Budget Support Act''; to the Committee on Finance.

EC–9151. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to amend the Customs user fee statute to extend for seven years the authorization for collection of such fees; to the Committee on Finance.

EC–9152. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on geographic adjustment factors under the Medicare Program; to the Committee on Finance.

EC–9153. A communication from the President of the United States, transmitting, pursuant to law, the report of Presidential Determination 2000–22 concerning the extension of waiver authority for Belarus; to the Committee on Finance.

EC–9154. A communication from the President of the United States, transmitting, pursuant to law, the report of Presidential Determination 2000–23 concerning the extension of waiver authority for the People's Republic of China; to the Committee on Finance.

EC–9155. A communication from the President of the United States, transmitting, pursuant to law, the report of Presidential Determination 2000–21 concerning the extension of waiver authority for Vietnam; to the Committee on Finance.

EC–9156. A communication from the Chair of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Selected Medicare Issues''; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2000. (Reappointment)

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2000. (Reappointment)

David N. Greenlee, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

Susan S. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Soloman Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

John F. Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

John R. Dinger, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

John Martin O'Keefe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Daniel A. Johnson, of Florida, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

V. Manuel Rocha, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Rose M. Likins, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

W. Robert Pearson, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Marc Grossman, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

James Donald Walsh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

(The above nominations were reported with the recommendation that

they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Craig B. Allen and ending Daniel E. Harris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 7, 2000.

Foreign Service nominations beginning C. Franklin Foster, Jr. and ending Michael Patrick Glover, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 7, 2000.

Foreign Service nominations beginning Leslie O'Connor and ending David P. Lambert, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 11, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Mr. ASHCROFT, and Mr. ABRAHAM):

S. 2685. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production, sale, and use of highly-efficient, advanced technology motor vehicles and to amend the Energy Policy Act of 1992 to undertake an assessment of the relative effectiveness of current and potential methods to further encourage the development of the most fuel efficient vehicles for use in interstate commerce in the United States; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 2686. A bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Governmental Affairs.

By. Mr. SMITH of New Hampshire:

S. 2687. A bill regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation; to the Committee on Foreign Relations.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. COCHRAN, Mr. DODD, Mr. KENNEDY, Mrs. MURRAY, and Mr. SCHUMER):

S. 2688. A bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes; to the Committee on Indian Affairs.

By. Ms. LANDRIEU:

S. 2689. A bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. SMITH of Oregon, Ms. COLLINS, Mr. LEVIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. AKAKA, Mr. KERREY, and Mr. WELLSTONE.

S. 2690. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 2691. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 2692. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported products, 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. Ms. LANDRIEU:

S. Res. 317. A resolution expressing the sense of the Senate to congratulate and thank the members of the United States Armed Forces who participated in the June 6, 1944, D-Day invasion of Europe for forever changing the course of history by helping bring an end to World War II; to the Committee Armed Services.

By Ms. SNOWE (for herself, Mr. SMITH of New Hampshire, Mr. GREGG, Ms. COLLINS, Mr. WARNER, Mr. ROBB, Mr. SESSIONS, Mr. LEVIN, and Mr. KENNEDY):

S. Res. 318. A resolution honoring the 129 sailors and civilians lost aboard the U.S.S. Thresher (SSN 593) on April 10, 1963; extending the gratitude of the Nation for their last, full measure of devotion; and acknowledging the contributions of the Naval Submarine Service and the Portsmouth Naval Shipyard to the defense of the Nation; considered and agreed to.

By Mr. ROBB (for himself, Mr. REID, and Mr. KENNEDY):

S. Con. Res. 120. A concurrent resolution to express the sense of Congress regarding the need to pass legislation to increase penalties on perpetrators of hate crimes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 2686. A bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Governmental Affairs.

LEGISLATION TO IMPROVE THE PROCESS FOR ESTABLISHING NONPROFIT POSTAGE RATES

Mr. COCHRAN. Mr. President, today I am introducing a bill to improve the process used by the United States Postal Service to establish postage rates for nonprofit and other reduced-rate mailers.

Under the current rate setting procedure, nonprofit postage rates have changed significantly, often rising more than corresponding commercial rates. In fact, in some cases, nonprofit mail rates have increased so much that the nonprofit rates are higher than similar commercial rates. According to the Postal Service, the unpredictable rate changes experienced by nonprofit mailers stem from difficulties the Service has had with gathering accurate cost data for small subclasses of mail.

By establishing a structured relationship between nonprofit and commercial postage rates, this legislation would protect all categories of nonprofit mail from unpredictable rate swings in the future. The bill would set nonprofit and classroom Periodical rates at 95 percent of the commercial counterpart rates (excluding the advertising portion), set nonprofit Standard A rates at 60 percent of the commercial Standard A rates, and set Library and Educational Matter rates at 95 percent of the rates for the special subclass of commercial Standard B mail.

The Postal Service recently proposed to increase postage rates for all classes of mail, and this proposal is now pending before the Postal Rate Commission. As part of its request, the Postal Service asked for nonprofit postage rates that are premised on the enactment of this, or similar, legislation to change the process for setting nonprofit mail rates. Without this legislation, nonprofit mailers will face potential double-digit rate hikes.

This bill achieves an appropriate balance between nonprofit and commercial postage rates, and provides nonprofit mailers with much needed rate predictability. It is a compromise solution that is supported by the United States Postal Service and several major commercial and nonprofit mailer associations, including: the Alliance of Nonprofit Mailers, the National Federation of Nonprofits, the Direct Marketing Association, the Magazine Publishers of America, and the Association of Postal Commerce.

I invite my colleagues to support this effort to protect nonprofit mailers by improving the method for establishing nonprofit postage rates.

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. 2686

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

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

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

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

''(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358(d) or (e), 4452(b) or (c), or 4554(b) or (c) of

this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358(d) or (e), 4452(b) or (c), or 4554(b) or (c) of this title.''.

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

''(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

''(i) the estimated costs attributable to such class of mail or kind of mailer; and

''(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).''.

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

''(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358(d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

''(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358(d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.''.

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United States Code, is amended by adding at the end the following:

''(6) The rates for mail matter under former sections 4452(b) and (c) of this title shall be established as follows:

''(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452(b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

''(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

''(C) Rate differentials within each subclass of mail matter under former sections 4452(b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.''.

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

''(7) The rates for mail matter under former sections 4554(b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.''.

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452(b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking ''4454(b), or 4454(c)'' and inserting ''4554(b), or 4554(c)''.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. COCHRAN, Mr. DODD, Mr. KENNEDY, Mrs. MURRAY, and Mr. SCHUMER):

S. 2688. A bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

NATIVE AMERICAN LANGUAGES ACT AMENDMENTS ACT OF 2000

● Mr. INOUYE. Mr. President, I rise today to introduce a bill to amend the Native American Languages Act to provide authority for the establishment of Native American Language Survival Schools. I am joined in cosponsorship by Senators AKAKA, COCHRAN, DODD, KENNEDY, MURRAY and SCHUMER.

Mr. President, for hundreds of years, beginning with the arrival of European settlers on America's shores, the native peoples of America have had to fight for the survival of their cultures. History has shown that the ability to maintain and preserve the culture and traditions of a people is directly tied to the perpetuation of native languages. Like others, the traditional languages of Native American people are an integral part of their culture and identity. They provide the means for passing down to each new generation the stories, customs, religion, history and traditional ways of life. To lose the diversity and vibrant history of many Indian nations, is to lose a vital part of the history of this country.

Mr. President, Native American languages are near extinction in the United States. Studies suggest that at one time several thousand distinct Indian languages existed in what is now America. Today that number has dwindled to approximately 155 Indian languages. Of these 155 languages remaining, 45 are only spoken by elders, 60 are spoken only by middle-aged adults or older adults, 30 are spoken by all adults but not children, and only 20 Native languages are spoken by most of the children. With so many Native communities facing the loss of their languages as elderly native speakers pass on before the language can be taught to younger generations, it is little wonder that this tragedy is growing exponentially, day by day.

In the 1880s, as part of the United States' forced assimilation policies towards Native Americans, a system of off-reservation boarding schools was initiated. Native American children were forcibly taken from their families, transported hundreds of miles to schools where their hair was cut notwithstanding the religious importance of hair length in most native cultures, their clothes replaced with military-style uniforms, and they were forbidden to speak their native languages or practice their religion. Although this effort to eradicate Indian culture was not successful, it did separate several generations of Native Americans from their native languages.

The Native American Languages Act of 1990 officially repudiated the policies of the past and declared that ''it is the policy of the United States to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.'' The Act was amended in 1992 to provide financial support to Native American language projects.

Mr. President, this bill would bring the nation one step closer to assuring the preservation and revitalization of Native American languages by supporting the development of Native American Language Survival Schools. These schools would provide a complete education through the use of both Native American languages and English. The bill also provides support for Native American Language Nests, which are Native American language immersion programs for children aged six and under. In addition, the bill provides authority for the following activities: curriculum development, teacher, staff and community resource development, rental, lease, purchase, construction, maintenance or repair of educational facilities, and the establishment of two Native American Language School support centers at the Native Language College of the University of Hawaii at Hilo, and the Alaska Native Language Center of the University of Alaska at Fairbanks.

Mr. President, I urge my colleagues to support this legislation to assist the Native people of America in their efforts to reverse the effects of past Federal policies by reintroducing today's children to their Native languages and preserving Native languages for the generations to come.

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. 2688

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 ''Native American Languages Act Amendments Act of 2000''.

SEC. 2. PURPOSE.

The purposes of this Act are to—

(1) encourage and support the development of Native American Language Survival Schools as innovative means of addressing the effects of past discrimination against Native American language speakers and to support the revitalization of such languages

through education in Native American languages and through instruction in other academic subjects using Native American languages as an instructional medium, consistent with United States' policy as expressed in the Native American Languages Act (25 U.S.C. 2901 et seq.);

(2) encourage and support the involvement of families in the educational and cultural survival efforts of Native American Language Survival Schools;

(3) encourage communication, cooperation, and educational exchange among Native American Language Survival Schools and their administrators;

(4) provide support for Native American Language Survival School facilities and endowments;

(5) provide support for Native American Language Nests either as part of Native American Language Survival Schools or as separate programs that will be developed into more comprehensive Native American Language Survival Schools;

(6) support the development of local and national models that can be disseminated to the public and made available to other schools as exemplary methods of teaching Native American students; and

(7) develop a support center system for Native American Survival Schools at the university level.

SEC. 3. DEFINITIONS.

Section 103 of Public Law 101–477 (25 U.S.C. 2902) is amended to read as follows:

''DEFINITIONS

''In this Act:

''(1) INDIAN.—The term 'Indian' has the meaning given that term in section 9161 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

''(2) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' has the meaning given that term in section 502 of Public Law 95–134 (42 U.S.C. 4368b).

''(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(4) INDIAN RESERVATION.—The term 'Indian reservation' has the meaning given the term 'reservation' in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

''(5) NATIVE AMERICAN.—The term 'Native American' means an Indian, Native Hawaiian, or Native American Pacific Islander.

''(6) NATIVE AMERICAN LANGUAGE.—The term 'Native American language' means the historical, traditional languages spoken by Native Americans.

''(7) NATIVE AMERICAN LANGUAGE COLLEGE.—The term 'Native American Language College' means—

''(A) a tribally-controlled community college or university (as defined in section 2 of the Tribally-Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1801));

''(B) Ka Haka 'Ula 0 Ke'elikolani College; or

''(C) a college applying for a Native American Language Survival School in a Native American language which that college regularly offers as part of its curriculum and which has the support of an Indian tribal government traditionally affiliated with that Native American language.

''(8) NATIVE AMERICAN LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native American Language Educational Organization' means an organization that—

''(A) is governed by a board consisting of speakers of 1 or more Native American languages;

''(B) is currently providing instruction through the use of a Native American language for not less than 10 students for at least 700 hours of instruction per year; and

''(C) has provided such instruction for at least 10 students annually through a Native American language for at least 700 hours per year for not less than 3 years prior to applying for a grant under this Act.

''(9) NATIVE AMERICAN LANGUAGE NEST.—The term 'Native American Language Nest' means a site-based educational program enrolling families with children aged 6 and under which is conducted through a Native American language for not less than 20 hours per week and not less than 35 weeks per year with the specific goal of strengthening, revitalizing, or re-establishing a Native American language and culture as a living language and culture of daily life.

''(10) NATIVE AMERICAN LANGUAGE SURVIVAL SCHOOL.—The term 'Native American Language Survival School' means a Native American language dominant site-based educational program which expands from a Native American Language Nest, either as a separate entity or inclusive of a Native American Language Nest, to enroll families with children eligible for elementary or secondary education and which provides a complete education through a Native American language with the specific goal of strengthening, revitalizing, or reestablishing a Native American language and culture as a living language and culture of daily life.

''(11) NATIVE AMERICAN PACIFIC ISLANDER.—The term 'Native American Pacific Islander' means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

''(12) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given that term in section 9212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912).

''(13) SECRETARY.—The term 'Secretary' means the Secretary of the Department of Education.

''(14) TRADITIONAL LEADERS.—The term 'traditional leaders' includes Native Americans who have special expertise in Native American culture and Native American languages.

''(15) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).''.

SEC. 4. NATIVE AMERICAN LANGUAGE SURVIVAL SCHOOLS.

Title I of Public Law 101–477 (25 U.S.C. 2901 et seq.) is amended by adding at the end the following new sections:

''GENERAL AUTHORITY

''SEC. 108. (a) IN GENERAL.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments to operate, expand, and increase Native American Language Survival Schools throughout the United States and its territories for Native American children and Native American language-speaking children.

''(b) ELIGIBILITY.—As a condition of receiving funds under subsection (a), a Native American Language Educational Organization, a Native American Language College, an Indian tribal government, or a consortia of such organizations, colleges, or tribal governments—

''(1) shall—

''(A) have at least 3 years experience in operating and administering a Native American Language Survival School, a Native American Language Nest, or other educational programs in which instruction is conducted in a Native American language; and

''(B) include students who are subject to State compulsory education laws; and

''(2) may include students from infancy through grade 12, as well as their families.

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—A Native American Language Survival School receiving funds under this section shall—

''(A) consist of not less than 700 hours of instruction conducted annually through a Native American language or languages for at least 15 students who do not regularly attend another school;

''(B) provide direct educational services and school support services that may also include—

''(i) support services for children with special needs;

''(ii) transportation;

''(iii) boarding;

''(iv) food service;

''(v) teacher and staff housing;

''(vi) purchase of basic materials;

''(vii) adaptation of teaching materials;

''(viii) translation and development; or

''(ix) other appropriate services;

''(C) provide direct or indirect educational and support services for the families of enrolled students on site, through colleges, or through other means to increase their knowledge and use of the Native American language and culture, and may impose a requirement of family participation as a condition of student enrollment; and

''(D) ensure that students who are not Native American language speakers achieve fluency in a Native American language within 3 years of enrollment.

''(2) PERMISSIBLE USES.—A Native American Language Survival School receiving funds under this section may—

''(A) include Native American Language Nests and other educational programs for students who are not Native American language speakers but who seek to establish fluency through instruction in a Native American language or to re-establish fluency as descendants of Native American language speakers;

''(B) include a program of concurrent and summer college or university education course enrollment for secondary school students enrolled in Native American Language Survival Schools, as appropriate; and

''(C) provide special support for Native American languages for which there are very few or no remaining Native American language speakers.

''(d) CURRICULUM DEVELOPMENT AND COMMUNITY LANGUAGE USE DEVELOPMENT.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments, for the purpose of developing—

''(1) comprehensive curricula in Native American language instruction and instruction through Native American languages; and

''(2) community Native American language use in communities served by Native American Language Survival Schools.

''(e) TEACHER, STAFF, AND COMMUNITY RESOURCE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments for the purpose of providing programs in pre-service and in-service teacher training, staff training, personnel development programs, programs

to upgrade teacher and staff skills, and community resource development training, that shall include a program component which has as its objective increased Native American language speaking proficiency for teachers and staff employed in Native American Language Survival Schools and Native American Language Nests.

''(2) PROGRAM SCOPE.—Programs funded under this subsection may include—

''(A) visits or exchanges among Native American Language Survival Schools and Native American Language Nests of school or nest teachers, staff, students, or families of students;

''(B) participation in conference or special non-degree programs focusing on the use of a Native American language or languages for the education of students, teachers, staff, students, or families of students;

''(C) full or partial scholarships and fellowships to colleges or universities for the professional development of faculty and staff, and to meet requirements for the involvement of the family or the community of Native American Language Survival School students in Native American Language Survival Schools;

''(D) training in the language and culture associated with a Native American Language Survival School either under community or academic experts in programs which may include credit courses;

''(E) structuring of personnel operations to support Native American language and cultural fluency and program effectiveness;

''(F) Native American language planning, documentation, reference material and archives development; and

''(G) recruitment for participation in teacher, staff, student, and community development.

''(3) CONDITIONS OF FELLOWSHIPS OR SCHOLARSHIPS.—A recipient of a fellowship or scholarship awarded under the authority of this subsection who is enrolled in a program leading to a degree or certificate shall—

''(A) be trained in the Native American language of the Native American Language Survival School, if such program is available through that Native American language;

''(B) complete a minimum annual number of hours in Native American language study or training during the period of the fellowship or scholarship; and

''(C) enter into a contract which obligates the recipient to provide his or her professional services, either during the fellowship or scholarship period or upon completion of a degree or certificate, in Native American language instruction in the Native American language associated with the Native American Language Survival School in which the service obligation is to be fulfilled.

''(f) ENDOWMENT AND FACILITIES.—The Secretary is authorized to provide funds, through grant or contract, for endowment funds and the rental, lease, purchase, construction, maintenance, or repair of facilities for Native American Language Survival Schools, to Native American Language Educational Organizations, Native American Language Colleges, and Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments that have demonstrated excellence in the capacity to operate and administer a Native American Language Survival School and to ensure the academic achievement of Native American Language Survival School students.

''NATIVE AMERICAN LANGUAGE NESTS

''SEC. 109. (a) IN GENERAL.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, and nonprofit organizations that demonstrate the potential to become Native American Language Educational Organizations, for the purpose of establishing Native American Language Nest programs for students from infancy to age 6 and their families.

''(b) REQUIREMENTS.—A Native American Language Nest program receiving funds under this section shall—

''(1) provide instruction and child care through the use of a Native American language or a combination of the English language and a Native American language for at least 10 children for at least 700 hours per year;

''(2) provide compulsory classes for parents of students enrolled in a Native American Language Nest in a Native American language, including Native American language-speaking parents;

''(3) provide compulsory monthly meetings for parents and other family members of students enrolled in a Native American Language Nest;

''(4) provide a preference in enrollment for students and families who are fluent in a Native American language; and

''(5) receive at least 5 percent of its funding from another source, which may included Federally-funded programs, such as a Head Start program funded under the Head Start Act (42 U.S.C. 9801 et seq.).

''DEMONSTRATION PROGRAMS REGARDING LINGUISTICS ASSISTANCE

''SEC. 110. (a) DEMONSTRATION PROGRAMS.—The Secretary shall provide funds, through grant or contract, for the establishment of 2 demonstration programs that will provide assistance to Native American Language Survival Schools and Native American Language Nests. Such demonstration programs shall be established at—

''(1) Ka Haka 'Ula 0 Ke'elikolani College of the University of Hawaii at Hilo, in consortium with the 'Aha Punana Leo, Inc., and with other entities if deemed appropriate by such College, to—

''(A) conduct a demonstration program in the development of the various components of a Native American Language Survival School program, including the early childhood education features of a Native American Nest component; and

''(B) provide assistance in the establishment, operation, and administration of Native American Language Nests and Native American Language Survival Schools by such means as training, hosting informational visits to demonstration sites, and providing relevant information, outreach courses, conferences, and other means; and

''(2) the Alaska Native Language Center of the University of Alaska at Fairbanks, in consortium with other entities as deemed appropriate by such Center, to conduct a demonstration program, training, outreach, conferences, visitation programs, and other assistance in developing orthographies, resource materials, language documentation, language preservation, material archiving, and community support development.

''(b) USE OF TECHNOLOGY.—The demonstration programs authorized to be established under this section may employ synchronic and asynchronic telecommunications and other appropriate means to maintain coordination and cooperation with one another and with participating Native American Language Survival Schools and Native American Language Nests.

''(c) DIRECTION TO THE SECRETARY.—The demonstration programs authorized to be established under this section shall provide direction to the Secretary in developing a site visit evaluation of Native American Language Survival Schools and Native American Language Nests.

''(d) ENDOWMENTS AND FACILITIES.—The demonstration programs authorized to be established under this section may establish endowments for the purpose of furthering their activities relative to the study and preservation of Native American languages, and may use funds to provide for the rental, lease, purchase, construction, maintenance, and repair of facilities.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 111. There are authorized to be appropriated such sums as may be necessary to carry out the activities authorized by this Act for fiscal years 2001 through 2006.''.●

By Ms. LANDRIEU:

S. 2689. A bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

ANDREW JACKSON HIGGINS

● Ms. LANDRIEU. Mr. President, I speak today to honor an innovative and patriotic American—the logger-turned-boatbuilder, who single-handedly transformed the concept of amphibious ship design when our nation and her Allies needed it most. Despite a series of bureaucratic obstacles set up by America's World War II war-machine, Higgins skillfully engineered Marine Corps landing craft, and eventually won contracts to build 92 percent of the Navy's war-time fleet. The story of Andrew Jackson Higgins exemplifies the American Dream, and merits full recognition of this body for his ingenuity, assiduous work, and devotion to our country.

In the late 1930's, Higgins was operating a small New Orleans work-boat company, with less than seventy-five employees.He quickly earned a reputation for fast, dependable work, turning out specialized vessels for the oil industry, Coast Guard, Army Corps of Engineers, and U.S. Biological Survey. But when he presented his plans for swift amphibious landing crafts, he met hard resistance. The U.S. Navy had overestimated French and British abilities to secure France's ports from German encroachment, and had thus overruled decisions to create landing boat crafts. As the U.S. Marine Corps discerned the need for mass production of amphibious vessels for both the Pacific and European theaters, top brass began to lobby the Navy to abandon its internal contracting, and procure ships from Higgins Industries, which boasted high performance quality, and unprecedented speed for turning out boats. In 1941, the Navy finally asked Higgins to begin designing a landing draft to carry tanks. Instead of a design, Higgins delivered an entire working boat. It had only taken 61 hours to design and construct his first Landing Craft, Mechanized (LCM). Quickly, the Higgins firm grew to seven plants, eventually turning out 700 boats a month—

more than all other shipyards in the nation combined. By the war's end, Higgins had turned out 20,000 boats, ranging from the 46-foot LCVP (Landing Craft, Vehicle & Personnel) to the fast-moving PT boats, the rocket-firing landing craft support boats, the 56-foot tank landing craft, the 170 foot freight supply ships and the 27-foot airborne lifeboats that could be dropped from B–17 bombers.

Able to conceive various ship designs and mass-produce vessels quickly at affordable prices, Higgins not only transformed wartime ship building acquisition, but sustained the universal faith American invention and global power projection. Higgins landing craft crashed on the shores of Normandy on June 6, 1944, launching the greatest amphibious assault in world history, and commencing a eastward drive to liberate Europe from Nazi Germany. In addition to his contributions to Allied war efforts abroad, Higgins' manufacturing further changed the face of my own city of New Orleans, home to most of the firm's business. I urge my colleagues to support provisions to award Andrew Jackson Higgins the Gold Medal of Honor, in the tradition of our great institution.

Mr. President, in 1964, President Dwight D. Eisenhower was reflecting on the success of the 1944 Normandy invasion to his biographer, Steven Ambrose. Andrew Jackson Higgins ''is the man who won the war for us,'' he said. ''If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.'' to me, Mr. Higgins and his 20,000-member workforce embody American creativity, persistence, and patriotism; they deserve to be distinguished for their critical place in history.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2689

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 ''Andrew Jackson Higgins Gold Medal Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, moved to New Orleans in 1910, and formed Higgins Industries on September 26, 1930.

(2) Andrew Jackson Higgins designed, engineered, and produced the ''Eureka'', a unique shallow draft boat the design of which evolved during World War II into 2 basic classes of military craft: high speed PT boats, and types of Higgins landing craft (LCPs, LCPLs, LCVPs, LCMs and LCSs).

(3) Andrew Jackson Higgins designed, engineered, and constructed 4 major assembly line plants in New Orleans for mass production of Higgins landing craft and other vessels vital to the Allied Forces' conduct of World War II.

(4) Andrew Jackson Higgins bought the entire 1940 Philippine mahogany crop and other material purely at risk without a government contract, anticipating that America would join World War II and that Higgins Industries would need the wood to build landing craft. Higgins also bought steel, engines, and other material necessary to construct landing craft.

(5) Andrew Jackson Higgins, through Higgins Industries, employed a fully integrated assembly line work force, black and white, male and female, of up to 30,000 during World War II, with equal pay for equal work.

(6) In 1939, the United States Navy had a total of 18 landing craft in the fleet.

(7) From November 18, 1940, when Higgins Industries was awarded its first contract for Higgins landing craft until the conclusion of the war, the employees of Higgins Industries produced 12,300 Landing Craft Vehicle Personnel (LCVP's) and nearly 8,000 other landing craft of all types.

(8) During World War II, Higgins Industries employees produced 20,094 boats, including landing craft and Patrol Torpedo boats, and trained 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School.

(9) On Thanksgiving Day 1944, General Dwight D. Eisenhower stated in an address to the Nation: ''Let us thank God for Higgins Industries, management, and labor which has given us the landing boats with which to conduct our campaign.''.

(10) Higgins landing craft, constructed of wood and steel, transported fully armed troops, light tanks, field artillery, and other mechanized equipment essential to amphibious operations.

(11) Higgins landing craft made the amphibious assault on D-day and the landings at Leyte, North Africa, Guadalcanal, Sicily, Iwo Jima, Tarawa, Guam, and thousands of less well-known assaults possible.

(12) Captain R.R.M. Emmett, a commander at the North Africa amphibious landing, and later commandant of the Great Lakes Training Station, wrote during the war: ''When the history of this war is finally written by historians, far enough removed from its present turmoil and clamor to be cool and impartial, I predict that they will place Mr. (Andrew Jackson) Higgins very high on the list of those who deserve the commendation and gratitude of all citizens.''.

(13) In 1964, President Dwight D. Eisenhower told historian Steven Ambrose: ''He (Higgins) is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.''.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award a gold medal of appropriate design to—

(A) the family of Andrew Jackson Higgins, honoring Andrew Jackson Higgins (posthumously) for his contributions to the Nation and world peace; and

(B) the D-day Museum in New Orleans, Louisiana, for public display, honoring Andrew Jackson Higgins (posthumously) and the employees of Higgins Industries for their contributions to the Nation and world peace.

(2) MODALITIES.—The modalities of presentation of the medals under this Act shall be determined by the President after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike 2 gold medals 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 medals struck under this Act, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck under 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) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $60,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.●

By Mr. LEAHY (for himself, Mr. SMITH of Oregon, Ms. COLLINS, Mr. LEVIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. AKAKA, Mr. KERREY, and Mr. WELLSTONE):

S. 2690. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

THE INNOCENCE PROTECTION ACT OF 2000

● Mr. LEAHY. Mr. President, a few months ago, I came to this floor to draw attention to a growing national crisis in the administration of capital punishment and to suggest some solutions. You will recall some of the shocking facts I described:

For every 7 people executed, 1 death row inmate is shown some time after conviction to be innocent of the crime.

Many of those exonerated have come within hours of being executed, and many have spent a decade or more in jail before they were given a fair opportunity to establish their innocence.

Capital defendants are frequently represented by lawyers who lack the funds or the competence to do the job, or who have been disbarred or suspended for misconduct, and, from time to time, by lawyers who sleep through the trial, but the courts turn a blind eye.

Inexpensive and practically foolproof means of proving innocence are often denied to defendants.

The saddest fact of all, to me, is that the society facing this crisis is not a medieval one; it is America, today, in the 21st Century. As the Governor of Illinois told us when he placed a moratorium on the death penalty in his State earlier this year, something urgently needs to be done to remedy this situation. That is why I have been talking with Senators on both sides of the aisle and all sides of the capital punishment debate. That is why I have been searching for ways to reduce the risk of mistaken executions.

That is why I am so pleased that today, with my good friend, the junior

Senator from Oregon (Senator GORDON SMITH), we are introducing the bipartisan Innocence Protection Act of 2000. This bill is a carefully crafted package of criminal justice reforms designed to protect the innocent and to ensure that if the death penalty is imposed, it is the result of informed and reasoned deliberation, not politics, luck, bias or guesswork.

Every American child is taught that justice is blind. It is important to remember what justice is supposed to be blind to. Justice should never be blind to the truth, it should never be blind to the evidence, and it should never be blind to the teachings of modern science. What justice should be blind to is ideology, politics, race and money.

Too often in this chamber, we find ourselves dividing along party or ideological lines. The bill that Senator SMITH and I are introducing today is not about that, and it is not about whether in the abstract, you favor or disfavor the death penalty. It is about what kind of society we want America to be in the 21st Century.

I am optimistic about America's future. I have become all the more optimistic in the past few months as I have seen an outpouring of support across the political spectrum and across the country for common-sense measures to reduce the risk of executing the innocent.

Today, Senator SMITH and I are joined by Senators from both sides of the aisle, by some who support capital punishment and by others who oppose it. On the Republican side, I want to thank my friend Senator SUSAN COLLINS of Maine and my fellow Vermonter, Senator JIM JEFFORDS. On the Democratic side, Senators LEVIN, FEINGOLD, MOYNIHAN, AKAKA, KERREY, and WELLSTONE. I also want to thank our House sponsors WILLIAM DELAHUNT and RAY LAHOOD, along with their 39 cosponsors, both Democratic and Republican. Here on Capitol Hill it is our job to represent Americans. The scores of legislators who have sponsored this legislation clearly do represent Americans, both in their diversity and in their readiness to work together for common-sense solutions.

The outpouring of bipartisan support we have seen in Congress reflects an emerging public consensus. Opinion polls show Americans divided on the death penalty in the abstract. But they show overwhelmingly that Americans will not tolerate the execution of innocent people, and that Americans expect their justice system to provide everyone with a fair trial and a competent lawyer. A recent Gallup Poll found that 92 percent of Americans believe that people convicted before modern advances in DNA technology should be given the opportunity to obtain DNA testing if such tests might show their innocence.

I am also encouraged by the growing chorus of calls for reform of our capital punishment system by criminal justice experts and respected opinion leaders nationwide. George Will wrote in a April 6th column that ''skepticism is in order'' when it comes to capital punishment. Another conservative columnist, Bruce Fein, wrote in The Washington Times on April 25th:

> A decent respect for life . . . demands scrupulous concern for the reliability of verdicts in capital punishment trials. Otherwise, the death penalty game is not worth the gamble of executing the innocent—a shameful stain on any system of justice—and life sentences (perhaps in solitary confinement) should be the maximum.
>
> Mr. Fein writes as one who served as a senior Justice Department official in the Reagan Administration.

More recently, on May 11th, the Constitution Project at Georgetown University Law Center established a blue-ribbon National Committee to Prevent Wrongful Executions, comprised of supporters and opponents of the death penalty, Democrats and Republicans, including six former State and Federal judges, a former U.S. Attorney, two former State Attorneys General, and a former Director of the FBI. According to its mission statement, this Committee is ''united in [its] profound concern that, in recent years, and around the country, procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been significantly diminished.'' Many of the concerns that the Committee has raised are addressed in the legislation that Senator SMITH and I are introducing today.

Just yesterday, the editors of The Washington Times noted that ''the increased use of DNA analysis has in fact revealed some serious flaws in the way the justice system exacts the supreme penalty,'' and succinctly expressed the common sense view of nine out of ten Americans and the basic point that underlies our legislation: ''Surely no one could reasonably object to making sure we execute only the guilty.''

I ask unanimous consent that The Washington Times editorial be included in the RECORD at this point, together with the articles by George Will and Bruce Fein, and editorials dated February 19 and 28 from the New York Times and The Washington Post, both praising the Innocence Protection Act.

As I describe some of the major reforms proposed by our legislation, I ask you to consider these issues from the perspective of a capital juror, an ordinary citizen who is asked by his government to do one of the toughest things a citizen can do: sit in judgment on another person's life. You would not want to make the wrong decision. You would want the process to work so that you could make the right decision.

We need to enact real reforms to combat the very real risk in America today that an innocent person is being executed. I will now describe some of the major reforms proposed by our legislation.

More than any other development, improvements in DNA testing have provided the critical evidence to exonerate innocent people. In the last decade, scores of wrongfully convicted people have been released from prison—including many from death row—after DNA testing proved they could not have committed the crime for which they were convicted. In some cases the same DNA testing that vindicated the innocent helped catch the guilty.

As I already mentioned, 92 percent of Americans agree that we need to make DNA testing available in every appropriate case. But this legislation is not about public opinion polls—it is about saving innocent lives.

A few months ago, I met Kirk Bloodsworth, a former Marine who was convicted and sentenced to death in Maryland for a crime that he did not commit. Nine years later, DNA testing conclusively established his innocence.

On the same day, I met Clyde Charles. He spent 9 years pleading with the State of Louisiana for the DNA testing that eventually exonerated him. He missed the childhood of his daughter, he contracted diabetes and tuberculosis while in prison, and both of his parents died before his release.

Just last Wednesday, the Governor of Texas pardoned A.B. Butler, who served 17 years of a 99-year sentence for a sexual assault that he did not commit before he was finally cleared by DNA testing. Butler spent 10 years trying to have DNA testing done in his case.

One day later, the Governor of Virginia ordered new DNA testing for Earl Washington, a retarded man convicted of a rape-murder in 1982.

There are still significant numbers of convicted men and women in prisons throughout the country whose trials preceded modern DNA testing. If history is any guide, then some of these individuals are innocent of any crime.

If DNA testing can help establish innocence, there is no reason to deny testing, and every reason to grant it. This is not about guilty people trying to get off on legal technicalities. This is about innocent people trying to prove their innocence—and being thwarted by legal technicalities. Our bill will allow retroactive tests for people tried before DNA technology was available to them, and eliminate the procedural bars that may prevent the introduction of new, exculpatory DNA evidence. Our bill will also ensure that inmates are notified before a State destroys a rape kit or other biological evidence that may, through DNA testing, prove that an inmate was wrongfully convicted.

What possible reason could there be to deny people access to the evidence—often the only evidence—that could prove their innocence? Now that we have DNA fingerprinting that can prove a person's innocence, why should we as a society be willfully blind to the truth?

The sole argument I have heard advanced against the Leahy-Smith proposal is that it is somehow overly broad. As best I can understand this objection, the point seems to be that in

some cases, DNA evidence will only confirm the jury's guilty verdict. That is the point that Virginia prosecutors have advanced in opposing DNA testing for death row inmate Derek Barnabei. But as the Washington Post pointed out in a March 20th editorial about the Barnabei case, the possibility that DNA testing will confirm an inmate's guilt is no reason to deny testing:

> It is hard to see why a state, before putting someone to death, would be unwilling to demonstrate a jury verdict's consistency with all of the evidence. Indeed, this is precisely the type of case in which the state should have no choice. Under [the Innocence Protection Act], states would be obligated in such circumstances to allow post-conviction DNA testing. Such a law would not merely offer a layer of protection to innocent people but would increase public confidence in the convictions of guilty people.

I am grateful for the Post's endorsement.

As the Post has pointed out, this is a common sense reform. As opinion polls have shown, the idea of ensuring DNA testing is available in appropriate cases enjoys the support of the vast majority of Americans. And as the recent cases that I have discussed make clear, this is a matter of national urgency. I hope we can move forward expeditiously.

Post-conviction DNA testing is an essential safeguard that can save innocent lives when the trial process has failed to uncover the truth. As the Governor of New York has recognized, DNA testing also serves as a window into the systemic flaws of our capital punishment apparatus. In May, Governor Pataki proposed the creation of a panel to investigate the facts behind DNA exonerations and to determine what went wrong.

When DNA uncovers one miscarriage of justice after another, it is neither just nor sensible to stop at making post-conviction DNA testing more available. It is unjust because innocent people should not have to wait for years after trial to be exonerated and freed. It is not sensible because society should not have to wait for years to know the truth. When dozens of innocent people are being sentenced to death, and dozens of guilty people are working free because the State has convicted the wrong person, we must ask ourselves what went wrong in the trial process, and we must take what steps we can to make sure it does not happen again.

There is a recurring theme in wrongful conviction cases—incompetent and grossly underpaid defense counsel. That theme is well illustrated by the case of Federico Macias. He spent nine years on Texas's death row and came within two days of execution because his trial lawyer did almost nothing to prepare for trial. No doubt, being paid less than $12 an hour was a disincentive for the lawyer to conduct a more thorough investigation.

This lawyer failed to call available witnesses who could have refuted the State's case, and based his trial decisions on a fundamental misunderstanding of Texas law. The lawyer also admitted he did no investigation at all for the sentencing phase. His only preparation was to speak to his client and his client's wife during the lunch break of the sentencing proceeding.

Macias was eventually cleared of all charges and released from prison, thanks to volunteer work by a Washington lawyer who intervened just before the scheduled execution. Here is what the Federal Court of Appeals had to say when it overturned Macias's conviction:

> We are left with the firm conviction that Macias was denied his constitutional right to adequate counsel in a capital case in which actual innocence was a close question. The state paid defense counsel $11.84 per hour. Unfortunately, the justice system got only what it paid for.

Federico Macias's case was not unique. In the Texas criminal justice system, there is a whole category of capital cases known as the sleeping lawyer cases, to which the majority of the Texas Court of Criminal Appeals has responded with apathy. This attitude was chillingly conveyed by one Texas judge who reasoned that, while the Constitution requires a defendant to be represented by a lawyer, it ''doesn't say the lawyer has to be awake.''

But this is not just a Texas problem, this is a nationwide problem. In case after case across the country, capital defendants have found their lives placed in the hands of lawyers who are hopelessly incompetent—lawyers who were drunk during the trial; lawyers who never bothered to investigate the case or even meet with their client before trial; and lawyers who were suspended or disbarred.

Oklahoma spent all of $3,200 on the defense of Ronald Keith Williamson; it got what it paid for when Williamson's lawyer failed to investigate and present to the jury a simple fact—the fact that another man had confessed to the murder. Both Williamson and his codefendant were eventually cleared of any crime.

In Illinois, Dennis Williams was defended by a lawyer who was simultaneously defending himself in disbarment proceedings. Williams was eventually exonerated in 1996, after 18 years on death row, with the help of three journalism students from Northwestern University.

That is not how the American adversarial system of criminal justice is meant to work. Americans on trial for their lives should not be condemned to rely on sleeping lawyers, drunk lawyers, disbarred lawyers, or lawyers who do not have the resources to do the job. In our society, lawyers and journalists both serve important fact-finding functions. But, as one of the Northwestern University journalism students so aptly said after proving the innocence of yet another death row inmate, Anthony Porter, ''Twenty-one-year-olds are not supposed to be responsible for finding the innocent people on death row.''

The need for competent and adequately funded lawyers to make our adversarial system work is not a novel insight, and the lack of such lawyers and funding is not a novel discovery. In 1991, Retired Chief Justice Harold Clarke of Georgia told the Georgia State Bar that:

> Providing lawyers for poor people accused of crimes is a state obligation. The Constitution teaches us that. But more important, common sense and human decency tell us that. Yet we haven't listened to those voices.

In repeated resolutions dating back to the 1980s, the Conference of Chief Justices has urged States to do more to ensure that capital defendants are provided quality representation. In 1995, for example, the Chief Justices resolved that each State should ''establish standards and a process that will assure the timely appointment of competent counsel, with adequate resources, to represent defendants in capital cases at each stage of such proceedings.''

As we enter the 21st century, a few States have heeded this advice. But many are still not listening to the voices of the people who know first hand what a mockery incompetent and underfunded defense lawyers can make of our criminal justice system. I have described two cases, from Texas and Oklahoma, in which the State grossly underfunded appointed counsel and got what it paid for. There are many more examples, including an Alabama case within the past year in which the court, after a full trial, limited the fee for investigating and defending against a charge of capital murder to about $4,000. After paying his investigator and paralegal, the lawyer pocketed $1,212, which worked out to $5.05 an hour—less than the minimum wage.

We should not sit back and rely on 21-year-old journalism students to save innocent people from execution. And a quarter of a century of experience with the death penalty since the Supreme Court restored it in 1976 teaches us that we cannot sit back and rely on the States to provide adequate counsel to those whom they seek to execute.

We in Congress can never guarantee that the innocent will not be convicted. But we have a responsibility, at a minimum, to ensure that when people in this country are on trial for their lives, they will be defended by lawyers who meet reasonable minimum standards of competence and who have sufficient funds to investigate the facts and prepare thoroughly for trial. That goal can be achieved by cooperation between the States and the Federal Government whereby we give the States money to fund their criminal justice systems conditioned on their meeting a floor of minimum standards, and leave the States free to improve on those standards if they are so inclined. That is what our bill seeks to achieve.

What do we owe to the innocent people who are able to win their release

from prison? How do we compensate them for all the years they spent behind bars, sometimes on death row, for all the lost wages, for all the pain and suffering. In most cases, there is no compensation, or at least not much. Federal law provides a miserly $5,000 in cases of unjust imprisonment, regardless of the time served. In the case of Clyde Charles, who spent 18 years in Louisiana's Angola prison, that would come out to about 75 cents a day. Is that what society owes to Clyde Charles, for the walls placed between him and his family for 18 years, for missing his daughter's childhood, and for the diabetes and tuberculosis he contracted in prison? Does that seem about right—75 cents a day?

How about nothing at all? In 36 States, people who have been unjustly convicted and incarcerated for crimes they did not commit are barred from recovering any damages against the State. Louisiana, which destroyed the life of Clyde Charles, has no compensation statute. The States that have compensation statutes generally put a cap on payments, although none sets the cap as low as the current Federal cap of $5,000.

Let us step back and put this situation in perspective. A few years ago, a Maryland jury found that three young men had been falsely imprisoned by a security guard at an Eddie Bauer clothing store. The guard detained these men for about 10 minutes on suspicion of shoplifting, and forced one of them to remove his shirt. How much did the jury award for those 10 minutes of false imprisonment? $1 million.

Now compare what happened to Walter McMillian. In 1986, in a small town in Alabama, an 18-year-old white woman was shot to death. Walter McMillian was a black man who lived in the next town. From the day of his arrest, McMillian was placed on death row. No physical evidence linked him to the crime, and several people testified at the trial that he could not have committed the murder because he was with them all day. All three witnesses who connected McMillian with the murder later recanted their testimony. The one supposed ''eyewitness'' said that prosecutors had pressured him to implicate McMillian in the crime.

The jury in the trial recommended a life sentence, but the judge overruled this recommendation and sentenced McMillian to death. His case went through four rounds of appeal, all of which were denied. New attorneys, not paid by the State of Alabama, voluntarily took over the case and eventually found that the prosecutors had illegally withheld exculpatory evidence. A story about the case appeared on 60 Minutes in November 1992. Finally, the State agreed to investigate its earlier handling of the case and admitted that a grave mistake had been made. McMillian was freed into the welcoming arms of his family and friends on March 3, 1993.

Despite many years of litigation, McMillian has never been given any recompense for the years he was unjustly held on death row. His attorney has taken the issue of just compensation all the way to the U.S. Supreme Court, but to no avail.

Let us take another example in another State. In Oklahoma, 4 inmates have been exonerated by DNA testing over the past few years. When you add it up, they spent about 40 years in prison. Two of them were on death row. One came within 5 days of execution. None has received compensation—not a dime.

Putting one's life back together after such an experience is difficult enough, even with financial support. Without such support, a wrongly convicted person might never be able to establish roots that would allow him to contribute to society.

We need to do more to help repair the lives that are shattered by wrongful convictions. The Innocence Protection Act does this by raising the Federal cap on compensation, and by pushing the States to provide meaningful compensation to any person who is unjustly convicted and sentenced to death.

Money damages will never compensate for the mental anguish of being falsely convicted, for the lost years, or for the day-to-day brutality and deprivations of prison. But we must do what we can. Society owes a moral debt to the wrongfully imprisoned; that debt should be paid.

Finally, we as a Nation need to go back to first principles when it comes to deciding who is eligible for the death penalty. The United States stands alongside Iran, Nigeria, Pakistan, and Saudi Arabia as the only nations still executing people for crimes committed as juveniles. Is this the company that we want to keep?

The execution of juvenile offenders is also barred by several major human rights treaties, including the U.N. Convention on the Rights of the Child, the American Convention on Human Rights, and the International Covenant on Civil and Political Rights—perhaps the most important human rights documents in the world today. As a leader in the human rights community, it would be fitting if the United States agreed to respect the precepts of international humans rights law and comply with the terms of these treaties.

This country should also stop executing the mentally retarded. People with mental retardation have a diminished capacity to understand right from wrong. They are more prone to confess to crimes they did not commit simply to please their interrogators, and they are often unable to assist their lawyer in preparing a defense. Executing them is wrong; it is immoral. In addition, the execution of the mentally retarded, like the execution of juvenile offenders, severely damages U.S. standing in the international community.

Today, 13 States with capital punishment forbid the execution of defendants with mental retardation. The State Senator who sponsored the Nebraska bill in 1998 later said that it should not have been necessary because ''no civilized, mature society would ever entertain the possibility of executing anybody who was mentally retarded.''

The legislation that I introduce today proposes that the United States Congress speak as the conscience of the Nation in condemning the continued execution of juvenile offenders and the mentally retarded.

There can be no longer be any question that our capital punishment system is in crisis. The Innocence Protection Act is the absolute minimum we must do to prevent and catch these mistakes and to restore the public's confidence in our criminal justice system.

I ask unanimous consent that the bill, a summary of the bill, and additional material be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2690

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Innocence Protection Act of 2000''.

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

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the past decade, deoxyribonucleic acid testing (referred to in this section as ''DNA testing'') has emerged as the most reliable forensic technique for identifying

criminals when biological material is left at a crime scene.

(2) Because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact.

(3) While DNA testing is increasingly commonplace in pretrial investigations today, it was not widely available in cases tried prior to 1994. Moreover, new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce. Consequently, in some cases convicted inmates have been exonerated by new DNA tests after earlier tests had failed to produce definitive results.

(4) Since DNA testing is often feasible on relevant biological material that is decades old, it can, in some circumstances, prove that a conviction that predated the development of DNA testing was based upon incorrect factual findings. Uniquely, DNA evidence showing innocence, produced decades after a conviction, provides a more reliable basis for establishing a correct verdict than any evidence proffered at the original trial. DNA testing, therefore, can and has resulted in the post-conviction exoneration of innocent men and women.

(5) In the past decade, there have been more than 65 post-conviction exonerations in the United States and Canada based upon DNA testing. At least 8 individuals sentenced to death have been exonerated through post-conviction DNA testing, some of whom came within days of being executed.

(6) The 2 States that have established statutory processes for post-conviction DNA testing, Illinois and New York, have the most post-conviction DNA exonerations, 14 and 7, respectively.

(7) The advent of DNA testing raises serious concerns regarding the prevalence of wrongful convictions, especially wrongful convictions arising out of mistaken eyewitness identification testimony. According to a 1996 Department of Justice study entitled ''Convicted by Juries, Exonerated by Science: Case Studies of Post-Conviction DNA Exonerations'', in approximately 20 to 30 percent of the cases referred for DNA testing, the results excluded the primary suspect. Without DNA testing, many of these individuals might have been wrongfully convicted.

(8) Laws in more than 30 States require that a motion for a new trial based on newly discovered evidence of innocence be filed within 6 months or less. These laws are premised on the belief—inapplicable to DNA testing—that evidence becomes less reliable over time. Such time limits have been used to deny inmates access to DNA testing, even when guilt or innocence could be conclusively established by such testing. For example, in Dedge v. Florida, 723 So.2d 322 (Fla. Dist. Ct. App. 1998), the court without opinion affirmed the denial of a motion to release trial evidence for the purpose of DNA testing. The trial court denied the motion as procedurally barred under the 2-year limitation on claims of newly discovered evidence established by the State of Florida, which has since adopted a 6-month limitation on such claims.

(9) Even when DNA testing has been done and has persuasively demonstrated the actual innocence of an inmate, States have sometimes relied on time limits and other procedural barriers to deny release.

(10) The National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has issued a report entitled ''Recommendations For Handling Post-Conviction DNA Applications'' that urges post-conviction DNA testing in 2 carefully defined categories of cases, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of the inmate to pay for the testing.

(11) The number of cases in which post-conviction DNA testing is appropriate is relatively small and will decrease as pretrial testing becomes more common and accessible.

(12) The cost of DNA testing has also decreased in recent years. The typical case, involving the analysis of 8 samples, currently costs between $2,400 and $5,000, depending upon jurisdictional differences in personnel costs.

(13) In 1994, Congress authorized funding to improve the quality and availability of DNA analysis for law enforcement identification purposes. Since then, States have been awarded over $50,000,000 in DNA-related grants.

(14) Although the Supreme Court has never announced a standard for addressing constitutional claims of innocence, in Herrera v. Collins, 506 U.S. 390 (1993), a majority of the Court expressed the view that, ''a truly persuasive demonstration of 'actual innocence'' made after trial would render imposition of punishment by a State unconstitutional.

(15) If biological material is not subjected to DNA testing in appropriate cases, there is a significant risk that persuasive evidence of innocence will not be detected and, accordingly, that innocent persons will be unconstitutionally incarcerated or executed.

(16) To prevent violations of the Constitution of the United States that the Supreme Court anticipated in Herrera v. Collins, it is necessary and proper to enact national legislation that ensures that the Federal Government and the States will permit DNA testing in appropriate cases.

(17) There is also a compelling need to ensure the preservation of biological material for post-conviction DNA testing. Since 1992, the Innocence Project at the Benjamin N. Cardozo School of Law has received thousands of letters from inmates who claim that DNA testing could prove them innocent. In over 70 percent of those cases in which DNA testing could have been dispositive of guilt or innocence if the biological material were available, the material had been destroyed or lost. In two-thirds of the cases in which the evidence was found, and DNA testing conducted, the results have exonerated the inmate.

(18) In at least 14 cases, post-conviction DNA testing that has exonerated a wrongly convicted person has also provided evidence leading to the apprehension of the actual perpetrator, thereby enhancing public safety. This would not have been possible if the biological evidence had been destroyed.

(b) PURPOSES.—The purposes of this title are to—

(1) substantially implement the Recommendations of the National Commission on the Future of DNA Evidence in the Federal criminal justice system, by ensuring the availability of DNA testing in appropriate cases;

(2) prevent the imposition of unconstitutional punishments through the exercise of power granted by clause 1 of section 8 and clause 2 of section 9 of article I of the Constitution of the United States and section 5 of the 14th amendment to the Constitution of the United States; and

(3) ensure that wrongfully convicted persons have an opportunity to establish their innocence through DNA testing, by requiring the preservation of DNA evidence for a limited period.

SEC. 102. DNA TESTING IN FEDERAL CRIMINAL JUSTICE SYSTEM.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by inserting after chapter 155 the following:

''CHAPTER 156—DNA TESTING

''Sec.
''2291. DNA testing.
''2292. Preservation of biological material.

''§ 2291. DNA testing

''(a) APPLICATION.—Notwithstanding any other provision of law, a person in custody pursuant to the judgment of a court established by an Act of Congress may, at any time after conviction, apply to the court that entered the judgment for forensic DNA testing of any biological material that—

''(1) is related to the investigation or prosecution that resulted in the judgment;

''(2) is in the actual or constructive possession of the Government; and

''(3) was not previously subjected to DNA testing, or can be subjected to retesting with new DNA techniques that provide a reasonable likelihood of more accurate and probative results.

''(b) NOTICE TO GOVERNMENT.—

''(1) IN GENERAL.—The court shall notify the Government of an application made under subsection (a) and shall afford the Government an opportunity to respond.

''(2) PRESERVATION OF REMAINING BIOLOGICAL MATERIAL.—Upon receiving notice of an application made under subsection (a), the Government shall take such steps as are necessary to ensure that any remaining biological material that was secured in connection with the case is preserved pending the completion of proceedings under this section.

''(c) ORDER.—The court shall order DNA testing pursuant to an application made under subsection (a) upon a determination that testing may produce noncumulative, exculpatory evidence relevant to the claim of the applicant that the applicant was wrongfully convicted or sentenced.

''(d) COST.—The cost of DNA testing ordered under subsection (c) shall be borne by the Government or the applicant, as the court may order in the interests of justice, if it is shown that the applicant is not indigent and possesses the means to pay.

''(e) COUNSEL.—The court may at any time appoint counsel for an indigent applicant under this section.

''(f) POST-TESTING PROCEDURES.—

''(1) PROCEDURES FOLLOWING RESULTS UNFAVORABLE TO APPLICANT.—If the results of DNA testing conducted under this section are unfavorable to the applicant, the court—

''(A) shall dismiss the application; and

''(B) in the case of an applicant who is not indigent, may assess the applicant for the cost of such testing.

''(2) PROCEDURES FOLLOWING RESULTS FAVORABLE TO APPLICANT.—If the results of DNA testing conducted under this section are favorable to the applicant, the court shall—

''(A) order a hearing, notwithstanding any provision of law that would bar such a hearing; and

''(B) enter any order that serves the interests of justice, including an order—

''(i) vacating and setting aside the judgment;

''(ii) discharging the applicant if the applicant is in custody;

''(iii) resentencing the applicant; or

''(iv) granting a new trial.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the

circumstances under which a person may obtain DNA testing or other post-conviction relief under any other provision of law.

''§ 2292. Preservation of biological material

''(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b), the Government shall preserve any biological material secured in connection with a criminal case for such period of time as any person remains incarcerated in connection with that case.

''(b) EXCEPTION.—The Government may destroy biological material before the expiration of the period of time described in subsection (a) if—

''(1) the Government notifies any person who remains incarcerated in connection with the case, and any counsel of record or public defender organization for the judicial district in which the judgment of conviction for such person was entered, of—

''(A) the intention of the Government to destroy the material; and

''(B) the provisions of this chapter;

''(2) no person makes an application under section 2291(a) within 90 days of receiving notice under paragraph (1) of this subsection; and

''(3) no other provision of law requires that such biological material be preserved.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 155 the following:

''156. DNA Testing ..... 2291''.

SEC. 103. DNA TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) DNA IDENTIFICATION GRANT PROGRAM.—Section 2403 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''shall'' and inserting ''will'';

(B) in subparagraph (C), by striking ''is charged'' and inserting ''was charged or convicted''; and

(C) in subparagraph (D), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''shall'' and inserting ''will''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the State will—

''(A) preserve all biological material secured in connection with a State criminal case for not less than the period of time that biological material is required to be preserved under section 2292 of title 28, United States Code, in the case of a person incarcerated in connection with a Federal criminal case; and

''(B) make DNA testing available to any person convicted in State court to the same extent, and under the same conditions, that DNA testing is available under section 2291 of title 28, United States Code, to any person convicted in a court established by an Act of Congress.''.

(b) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 503(a)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii), by striking ''is charged'' and inserting ''was charged or convicted''; and

(B) in clause (iv), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(D) the State will—

''(i) preserve all biological material secured in connection with a State criminal case for not less than the period of time that biological material is required to be preserved under section 2292 of title 28, United States Code, in the case of a person incarcerated in connection with a Federal criminal case; and

''(ii) make DNA testing available to a person convicted in State court to the same extent, and under the same conditions, that DNA testing is available under section 2291 of title 28, United States Code, to a person convicted in a court established by an Act of Congress.''.

(c) PUBLIC SAFETY AND COMMUNITY POLICING GRANT PROGRAM.—Section 1702(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) if any part of funds received from a grant made under this subchapter is to be used to develop or improve a DNA analysis capability in a forensic laboratory, or to obtain or analyze DNA samples for inclusion in the Combined DNA Index System (CODIS), certify that—

''(A) DNA analyses performed at such laboratory will satisfy or exceed the current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131);

''(B) DNA samples and analyses obtained and performed by such laboratory will be accessible only—

''(i) to criminal justice agencies for law enforcement purposes;

''(ii) in judicial proceedings, if otherwise admissible under applicable statutes and rules;

''(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant was charged or convicted; or

''(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes;

''(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131); and

''(D) the State will—

''(i) preserve all biological material secured in connection with a State criminal case for not less than the period of time that biological material is required to be preserved under section 2292 of title 28, United States Code, in the case of a person incarcerated in connection with a Federal criminal case; and

''(ii) make DNA testing available to any person convicted in State court to the same extent, and under the same conditions, that DNA testing is available under section 2291 of title 28, United States Code, to a person convicted in a court established by an Act of Congress.''.

SEC. 104. PROHIBITION PURSUANT TO SECTION 5 OF THE 14TH AMENDMENT.

(a) REQUEST FOR DNA TESTING.—

(1) IN GENERAL.—No State shall deny a request, made by a person in custody resulting from a State court judgment, for DNA testing of biological material that—

(A) is related to the investigation or prosecution that resulted in the conviction of the person or the sentence imposed on the person;

(B) is in the actual or constructive possession of the State; and

(C) was not previously subjected to DNA testing, or can be subjected to retesting with new DNA techniques that provide a reasonable likelihood of more accurate and probative results.

(2) EXCEPTION.—A State may deny a request under paragraph (1) upon a judicial determination that testing could not produce noncumulative evidence establishing a reasonable probability that the person was wrongfully convicted or sentenced.

(b) OPPORTUNITY TO PRESENT RESULTS OF DNA TESTING.—No State shall rely upon a time limit or procedural default rule to deny a person an opportunity to present noncumulative, exculpatory DNA results in court, or in an executive or administrative forum in which a decision is made in accordance with procedural due process.

(c) REMEDY.—A person may enforce subsections (a) and (b) in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States, naming either the State or an executive or judicial officer of the State as defendant. No State or State executive or judicial officer shall have immunity from actions under this subsection.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

SEC. 201. AMENDMENTS TO BYRNE GRANT PROGRAMS.

(a) CERTIFICATION REQUIREMENT; FORMULA GRANTS.—Section 503 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753) is amended—

(1) in subsection (a), by adding at the end the following:

''(13) If the State prescribes, authorizes, or permits the penalty of death for any offense, a certification that the State has established and maintains an effective system for providing competent legal services to indigents at every phase of a State criminal prosecution in which a death sentence is sought or has been imposed, up to and including direct appellate review and post-conviction review in State court.''; and

(2) in subsection (b)—

(A) by striking ''(b) Within 30 days after the date of enactment of this part, the'' and inserting the following:

''(b) REGULATIONS.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) CERTIFICATION REGULATIONS.—The Director of the Administrative Office of the United States Courts, after notice and an opportunity for comment, shall promulgate regulations specifying the elements of an effective system within the meaning of subsection (a)(13), which elements shall include—

''(A) a centralized and independent appointing authority, which shall have authority and responsibility to—

''(i) recruit attorneys who are qualified to represent indigents in the capital proceedings specified in subsection (a)(13);

''(ii) draft and annually publish a roster of qualified attorneys;

''(iii) draft and annually publish qualifications and performance standards that attorneys must satisfy to be listed on the roster and procedures by which qualified attorneys are identified;

''(iv) periodically review the roster, monitor the performance of all attorneys appointed, provide a mechanism by which members of the Bar may comment on the

performance of their peers, and delete the name of any attorney who fails to complete regular training programs on the representation of clients in capital cases, fails to meet performance standards in a case to which the attorney is appointed, or otherwise fails to demonstrate continuing competence to represent clients in capital cases;

''(v) conduct or sponsor specialized training programs for attorneys representing clients in capital cases;

''(vi) appoint lead counsel and co-counsel from the roster to represent a defendant in a capital case promptly upon receiving notice of the need for an appointment from the relevant State court; and

''(vii) report the appointment, or the failure of the defendant to accept such appointment, to the court requesting the appointment;

''(B) compensation of private attorneys for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;

''(C) reimbursement of private attorneys and public defender organizations for attorney expenses reasonably incurred in the representation of a client in a capital case, computed on an hourly basis reflecting the local market for such services; and

''(D) reimbursement of private attorneys and public defender organizations for the reasonable costs of law clerks, paralegals, investigators, experts, scientific tests, and other support services necessary in the representation of a defendant in a capital case, computed on an hourly basis reflecting the local market for such services.''.

(b) CERTIFICATION REQUIREMENT; DISCRETIONARY GRANTS.—Section 517(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3763(a)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) satisfies the certification requirement established by section 503(a)(13).''.

(c) DIRECTOR'S REPORTS TO CONGRESS.—Section 522(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766b(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) descriptions and a comparative analysis of the systems established by each State in order to satisfy the certification requirement established by section 503(a)(13), except that the descriptions and the comparative analysis shall include—

''(A) the qualifications and performance standards established pursuant to section 503(b)(2)(A)(iii);

''(B) the rates of compensation paid under section 503(b)(2)(B); and

''(C) the rates of reimbursement paid under subparagraphs (C) and (D) of section 503(b)(2); and''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply with respect to any application submitted on or after the date that is 1 year after the date of enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not take effect until the amount made available for a fiscal year to carry out part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 equals or exceeds an amount that is $50,000,000 greater than the amount made available to carry out that part for fiscal year 2000.

(e) REGULATIONS.—The Director of the Administrative Office of the United States Courts shall issue all regulations necessary to carry out the amendments made by this section not later than 180 days before the effective date of those regulations.

SEC. 202. EFFECT ON PROCEDURAL DEFAULT RULES.

Section 2254(e) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking ''In a proceeding'' and inserting ''Except as provided in paragraph (3), in a proceeding''; and

(2) by adding at the end the following:

''(3) In a proceeding instituted by an indigent applicant under sentence of death, the court shall neither presume a finding of fact made by a State court to be correct nor decline to consider a claim on the ground that the applicant failed to raise such claim in State court at the time and in the manner prescribed by State law, unless—

''(A) the State provided the applicant with legal services at the stage of the State proceedings at which the State court made the finding of fact or the applicant failed to raise the claim; and

''(B) the legal services the State provided satisfied the regulations promulgated by the Director of the Administrative Office of the United States Courts pursuant to section 503(b)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968.''.

SEC. 203. CAPITAL REPRESENTATION GRANTS.

Section 3006A of title 18, United States Code, is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(2) by inserting after subsection (h) the following:

''(i) CAPITAL REPRESENTATION GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'capital case'—

''(i) means any criminal case in which a defendant prosecuted in a State court is subject to a sentence of death or in which a death sentence has been imposed; and

''(ii) includes all proceedings filed in connection with the case, including trial, appellate, and Federal and State post-conviction proceedings;

''(B) the term 'defense services' includes—

''(i) recruitment of counsel;

''(ii) training of counsel;

''(iii) legal and administrative support and assistance to counsel;

''(iv) direct representation of defendants, if the availability of other qualified counsel is inadequate to meet the need in the jurisdiction served by the grant recipient; and

''(v) investigative, expert, or other services necessary for adequate representation; and

''(C) the term 'Director' means the Director of the Administrative Office of the United States Courts.

''(2) GRANT AWARD AND CONTRACT AUTHORITY.—Notwithstanding subsection (g), the Director shall award grants to, or enter into contracts with, public agencies or private nonprofit organizations for the purpose of providing defense services in capital cases.

''(3) PURPOSES.—Grants and contracts awarded under this subsection shall be used in connection with capital cases in the jurisdiction of the grant recipient for 1 or more of the following purposes:

''(A) Enhancing the availability, competence, and prompt assignment of counsel.

''(B) Encouraging continuity of representation between Federal and State proceedings.

''(C) Decreasing the cost of providing qualified counsel.

''(D) Increasing the efficiency with which such cases are resolved.

''(4) GUIDELINES.—The Director, in consultation with the Judicial Conference of the United States, shall develop guidelines to ensure that defense services provided by recipients of grants and contracts awarded under this subsection are consistent with applicable legal and ethical proscriptions governing the duties of counsel in capital cases.

''(5) CONSULTATION.—In awarding grants and contracts under this subsection, the Director shall consult with representatives of the highest State court, the organized bar, and the defense bar of the jurisdiction to be served by the recipient of the grant or contract.''.

TITLE III—COMPENSATING THE UNJUSTLY CONDEMNED

SEC. 301. INCREASED COMPENSATION IN FEDERAL CASES.

Section 2513 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) DAMAGES.—

''(1) IN GENERAL.—The amount of damages awarded in an action described in subsection (a) shall not exceed $50,000 for each 12-month period of incarceration, except that a plaintiff who was unjustly sentenced to death may be awarded not more than $100,000 for each 12-month period of incarceration.

''(2) FACTORS FOR CONSIDERATION IN ASSESSING DAMAGES.—In assessing damages in an action described in subsection (a), the court shall consider—

''(A) the circumstances surrounding the unjust conviction of the plaintiff, including any misconduct by officers or employees of the Federal Government;

''(B) the length and conditions of the unjust incarceration of the plaintiff; and

''(C) the family circumstances, loss of wages, and pain and suffering of the plaintiff.''.

SEC. 302. COMPENSATION IN STATE DEATH PENALTY CASES.

(a) CRIMINAL JUSTICE FACILITY CONSTRUCTION GRANT PROGRAM.—Section 603(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3769b(a)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) reasonable assurance that the applicant, or the State in which the applicant is located—

''(A) does not prescribe, authorize, or permit the penalty of death for any offense; or

''(B)(i) has established and maintains an effective procedure by which any person unjustly convicted of an offense against the State and sentenced to death may be awarded reasonable damages upon substantial proof that the person did not commit any of the acts with which the person was charged; and

''(ii)(I) the conviction of that person was reversed or set aside on the ground that the person was not guilty of the offense or offenses of which the person was convicted;

''(II) the person was found not guilty of such offense or offenses on new trial or rehearing; or

''(III) the person was pardoned upon the stated ground of innocence and unjust conviction.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any application submitted on or after the date that is 1 year after the date of enactment of this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ACCOMMODATION OF STATE INTERESTS IN FEDERAL DEATH PENALTY PROSECUTIONS.

(a) RECOGNITION OF STATE INTERESTS.—Chapter 228 of title 18, United States Code, is amended by adding at the end the following:

''§ 3599. Accommodation of State interests; certification requirement

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Government shall not seek the death penalty in any case initially brought before a district court of the United States that sits in a State that does not prescribe, authorize, or permit the imposition of such penalty for the alleged conduct, except upon the certification in writing of the Attorney General or the designee of the Attorney General that—

''(1) the State does not have jurisdiction or refuses to assume jurisdiction over the defendant with respect to the alleged conduct;

''(2) the State has requested that the Federal Government assume jurisdiction; or

''(3) the offense charged is an offense described in section 32, 229, 351, 794, 1091, 1114, 1118, 1203, 1751, 1992, 2340A, or 2381, or chapter 113B.

''(b) ''STATE DEFINED.—In this section, the term 'State' means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 228 of title 18, United States Code, is amended by adding at the end the following:

''3599. Accommodation of State interests; certification requirement.''.

SEC. 402. ALTERNATIVE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE.

Section 408(l) of the Controlled Substances Act (21 U.S.C. 848(l)), is amended by striking the first 2 sentences and inserting the following: ''Upon a recommendation under subsection (k) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law.''.

SEC. 403. RIGHT TO AN INFORMED JURY.

(a) ADDITIONAL REQUIREMENTS.—Section 20105 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705) is amended by striking subsection (b) and inserting the following:

''(b) ADDITIONAL REQUIREMENTS.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that—

''(1) the State has implemented policies that provide for the recognition of the rights and needs of crime victims; and

''(2) in any capital case in which the jury has a role in determining the sentence imposed on the defendant, the court, at the request of the defendant, shall inform the jury of all statutorily authorized sentencing options in the particular case, including applicable parole eligibility rules and terms.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any application for a grant under section 20103 or 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13703; 13704) that is submitted on or after the date that is 1 year after the date of enactment of this Act.

SEC. 404. ANNUAL REPORTS.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Attorney General shall prepare and transmit to Congress a report concerning the administration of capital punishment laws by the Federal Government and the States.

(b) REPORT ELEMENTS.—The report required under subsection (a) shall include substantially the same categories of information as are included in the Bureau of Justice Statistics Bulletin entitled ''Capital Punishment 1998'' (December 1999, NCJ 179012), and the following additional categories of information:

(1) The percentage of death-eligible cases in which a death sentence is sought, and the percentage in which it is imposed.

(2) The race of the defendants in death-eligible cases, including death-eligible cases in which a death sentence is not sought, and the race of the victims.

(3) An analysis of the effect of Witherspoon v. Illinois, 391 U.S. 510 (1968), and its progeny, on the composition of juries in capital cases, including the racial composition of such juries, and on the exclusion of otherwise eligible and available jurors from such cases.

(4) An analysis of the effect of peremptory challenges, by the prosecution and defense respectively, on the composition of juries in capital cases, including the racial composition of such juries, and on the exclusion of otherwise eligible and available jurors from such cases.

(5) The percentage of capital cases in which life without parole is available as an alternative to a death sentence, and the sentences imposed in such cases.

(6) The percentage of capital cases in which life without parole is not available as an alternative to a death sentence, and the sentences imposed in such cases.

(7) The percentage of capital cases in which counsel is retained by the defendant, and the percentage in which counsel is appointed by the court.

(8) A comparative analysis of systems for appointing counsel in capital cases in different States.

(9) A State-by-State analysis of the rates of compensation paid in capital cases to appointed counsel and their support staffs.

(10) The percentage of cases in which a death sentence or a conviction underlying a death sentence is vacated, reversed, or set aside, and the reasons therefore.

(c) PUBLIC DISCLOSURE.—The Attorney General or the Director of the Bureau of Justice Assistance, as appropriate, shall ensure that the reports referred to in subsection (a) are—

(1) distributed to national print and broadcast media; and

(2) posted on an Internet website maintained by the Department of Justice.

SEC. 405. DISCRETIONARY APPELLATE REVIEW.

Section 2254(c) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) For purposes of paragraph (1), if the highest court of a State has discretion to decline appellate review of a case or a claim, a petition asking that court to entertain a case or a claim is not an available State court procedure.''.

SEC. 406. SENSE OF CONGRESS REGARDING THE EXECUTION OF JUVENILE OFFENDERS AND THE MENTALLY RETARDED.

It is the sense of Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to a person who is mentally retarded or who had not attained the age of 18 years at the time of the offense.

INNOCENCE PROTECTION ACT OF 2000—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Innocence Protection Act of 2000 is a comprehensive package of criminal justice reforms aimed at reducing the risk that innocent persons may be executed. Most urgently, the bill would (1) ensure that convicted offenders are afforded an opportunity to prove their innocence through DNA testing; (2) help States to provide competent legal services at every stage of a death penalty prosecution; (3) enable those who can prove their innocence to recover some measure of compensation for their unjust incarceration; and (4) provide the public with more reliable and detailed information regarding the administration of the nation's capital punishment laws.

TITLE I—EXONERATING THE INNOCENT THROUGH FEDERAL POST-CONVICTION REVIEW

Sec. 101. Findings and purposes. Legislative findings and purposes in support of this title.

Sec. 102. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by convicted offenders in the Federal system. An applicant must allege that evidence to be tested (1) is related to the investigation or prosecution that resulted in the applicant's conviction; (2) is in the government's actual or constructive possession; and (3) was not previously subjected to DNA testing, or to the form of DNA testing now requested. The court may, in its discretion, appoint counsel for an indigent applicant.

Because access to DNA testing is of no value unless evidence containing DNA has been preserved, this section also prohibits the government from destroying any biological material in a criminal case while any person remains incarcerated in connection with that case, unless such person is notified of the government's intent to destroy the material, and afforded at least 90 days to request DNA testing under this title.

Sec. 103. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on an assurance that the State will adopt adequate procedures for preserving biological material and making DNA testing available to its inmates.

Sec. 104. Prohibition pursuant to section 5 of the 14th amendment. Prohibits States from (1) denying requests for DNA testing that could produce new exculpatory evidence or (2) denying inmates a meaningful opportunity to prove their innocence using the results of DNA testing. Creates an authority to sue for declaratory or injunctive relief to enforce these prohibitions.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

Sec. 201. Amendments to Byrne grant programs. Conditions Federal funding under the Byrne grant programs—when such funding equals or exceeds an amount that is $50 million greater than the amount appropriated for such programs in FY 2000—on certification that the State has established and maintains an ''effective system'' for providing competent legal services to indigent defendants at every stage of death penalty prosecution, from pre-trial proceedings through post-conviction review. The Director of the Administrative Office of the United States Courts is charged with specifying the elements of an ''effective system,'' which must include a centralized and independent authority for appointing attorneys in capital cases, and adequate compensation and reimbursement of such attorneys.

Sec. 202. Effect on procedural default rules. Provides that certain procedural barriers to Federal habeas corpus review shall not apply if the State failed to provide the petitioner with adequate legal services.

Sec. 203. Capital representation grants. Amends the Criminal Justice Act, 18 U.S.C. §3006A, to make more Federal funding available to public agencies and private non-profit organizations for purposes of enhancing

the availability and competence of counsel in capital cases, encouraging the continuity of representation in such cases, decreasing the cost of providing qualified death penalty counsel, and increasing the efficiency with which capital cases are resolved.

TITLE III—COMPENSATING THE UNJUSTLY CONDEMNED

Sec. 301. Increased compensation in Federal cases. Raises the total amount of damages that may be awarded against the United States in cases of unjust imprisonment from $5,000 to $50,000 a year in a non-death penalty case, or $100,000 a year in a death penalty case. Identifies factors for court to consider in assessing damages.

Sec. 302. Compensation in State death cases. Encourages States to permit any person who was unjustly convicted and sentenced to death to be awarded reasonable damages, upon substantial proof of innocence and formal exoneration, by adding a new condition for Federal funding to assist in construction of correctional facility projects.

TITLE IV—MISCELLANEOUS

Sec. 401. Accommodation of State interests in Federal death-penalty prosecutions. Protects the interests of States (including the District of Columbia and any commonwealth, territory or possession of the United States) by limiting the Federal government's authority to seek the death penalty in States that do not permit the imposition of such penalty. Department of Justice guidelines provide that in cases of concurrent jurisdiction, ''a Federal indictment for an offense subject to the death penalty will be obtained only when the Federal interest in the prosecution is more substantial than the interests of the State or local authorities.'' Section 401 builds on that principle by requiring the Attorney General or her designee to certify that (1) the State does not have jurisdiction or refuses to assume jurisdiction over the defendant; (2) the State has requested that the Federal government assume jurisdiction; or (3) the offense charged involves genocide; terrorism; use of chemical weapons or weapons of mass-destruction; destruction of aircraft, trains, or other instrumentalities or facilities of interstate commerce; hostage taking; torture; espionage; treason; the killing of certain high public officials; or murder by a Federal prisoner.

Sec. 402. Alternative of life imprisonment without possibility of release. Provides juries in Federal death penalty prosecutions brought under the drug kingpin statute, 21 U.S.C. §848(l), the option of recommending life imprisonment without possibility of release. This amendment brings the drug kingpin statute into conformity with the more recently-enacted death penalty procedures in title 18, which govern most Federal death penalty prosecutions. See 18 U.S.C. §3594.

Sec. 403. Right to an informed jury. Conditions Federal truth-in-sentencing grants upon certification that, in any capital case in which the jury has a role in determining the defendant's sentence, the defendant has the right to have the jury informed of all statutorily-authorized sentencing options in the particular case, including applicable parole eligibility rules and terms. The purpose is to give full effect to the due process principles underlying the Supreme Court's decision in *Simmons* v. *South Carolina*, 512 U.S. 154 (1994), which held that a defendant who has been convicted of a capital offense is entitled to an instruction informing the sentencing jury that he is ineligible for parole under State law.

Sec. 404. Annual reports. Directs the Justice Department to prepare an annual report regarding the administration of the nation's capital punishment laws. The report must be submitted to Congress, distributed to the press and posted on the Internet.

Sec. 405. Discretionary appellate review. Respects State procedural rules by allowing Federal habeas corpus petitioners to raise claims that State courts discouraged them from raising when seeking discretionary review in the State's highest court. Responds to the Supreme Court's decision in *O'Sullivan* v. *Boerckel*, 119 S. Ct. 1728 (1999), which held that a State prisoner must present his claims to a State supreme court in a petition for discretionary review in order to satisfy the exhaustion requirement of 28 U.S.C. §2254(b)(1), (c).

Sec. 406. Sense of the Congress regarding the execution of juvenile offenders and the mentally retarded. Expresses the sense of the Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to juvenile offenders and the mentally retarded.

[From the Washington Times, June 6, 2000]

THOUGHTS ON EXECUTIONS

In his decision to halt Thursday evening's execution of a convicted killer for a period of 30 days, Texas Gov. George W. Bush did what had to be done. Where there is no shadow of a doubt, the death penalty can sometimes be the right course of action. Yet, where doubt, any doubt, remains, the consequences are awesome. In the case of Ricky Nolan McGinn, who was sentenced to death for raping and murdering his 13-year-old stepdaughter in 1993, there seems to be some uncertainty, in which case every means should be used to establish the truth. When you take a man's life, you take everything he's got. There simply is no way to make up for a mistake made in the execution chamber.

Mr. Bush cannot be accused of being soft on criminals. During his five and a half years in office, Mr. Bush has presided over more executions than any other governor in the country: 131, all told. Most famously, Mr. Bush refused to reduce the sentence of Karla Faye Tucker in 1998. She had been convicted of the particularly horrible execution-style murder of two persons during a gas station robbery, and while in prison had become a born-again Christian. Though religious leaders such as Pat Robertson pleaded for her life, Mr. Bush allowed the execution to go forward. The fact that he has chosen to grant a 30-day reprieve in this one case can hardly be said to indicate a change of heart on the death penalty.

Nevertheless, in the partisan heat of a presidential election year, Mr. Bush has been accused of playing politics with the death penalty. If this is the case, he is doing so on the side of giving someone on death row a final chance. This contrasts with Gov. Bill Clinton's decision to proceed with the execution of a severely retarded Arkansas man during the 1992 presidential election campaign, which was meant to establish his tough-on-crime credentials.

But beyond the question of politics, there's science. Mr. Bush is catching a nationwide movement, based on advances that are making DNA testing increasingly sophisticated. The increased use of DNA analysis has in fact revealed serious flaws in the way the justice system exacts the supreme penalty. The trend towards state moratoria on executions has been led by Gov. George Ryan of Illinois, a Republican. In Illinois, during the course of the 23 years since the death penalty was reinstated, a dozen persons have been put to death—but 13 have been cleared of capital murder charges through DNA testing after having been sentenced to death. This is a stunning and sobering fact. Unless Illinois is vastly different from the rest of the United States, that statistic ought to produce second thoughts for everyone. (One of those second thoughts might be that for every innocent man executed, a guilty man is still out there, unpunished.)

We do not suggest here that the United States should stop punishing the guilty to the fullest extent of the law, even if that means death. However, if this country is to have the death penalty, we must be as certain as is humanly possible that executions are restricted to the guilty. States should be encouraged to make sure that is the case. Even if 66 percent of Americans support the death penalty, it is no argument to say (as some conservatives have done) that the death of an innocent person here or there is not enough to reconsider what we are doing. This argument has been put forward by the Rev. Jerry Falwell. Some have even argued that this may be the price of the death penalty's deterrent effect; Rep. Bill McCollum, Florida Republican, suggested as much in an article for the Atlantic Monthly last year.

Perhaps the most cogent argument against the death penalty is that it degrades the sensibilities of otherwise good and reasonable men and women, who have come to believe in it so obsessively that they would impose it on the innocent if that is the only way to keep the death penalty in the law.

During a moratorium, the state would keep its electricity and gas bills paid and its stockpiles of potassium chloride intact against the day when the moratorium ends and executions resume—presumably following improvements in the way convictions are produced. Surely no one could reasonably object to making sure we execute only the guilty.

[From the Washington Post, Apr. 6, 2000]

INNOCENT ON DEATH ROW

(By George F. Will)

''Don't you worry about it,'' said the Oklahoma prosecutor to the defense attorney. ''We're gonna needle your client. You know, lethal injection, the needle. We're going to needle Robert.''

Oklahoma almost did. Robert Miller spent nine years on death row, during six of which the state had DNA test results proving his sperm was not that of the man who raped and killed the 92-year-old woman. The prosecutor said the tests only proved that another man had been with Miller during the crime. Finally, the weight of scientific evidence, wielded by an implacable defense attorney, got Miller released and another man indicted.

You could fill a book with such hair-curling true stories of blighted lives and justice traduced. Three authors have filled one. It should change the argument about capital punishment and other aspects of the criminal justice system. Conservatives, especially, should draw this lesson from the book: Capital punishment, like the rest of the criminal justice system, is a government program, so skepticism is in order.

Horror, too, is a reasonable response to what Barry Scheck, Peter Neufeld and Jim Dwyer demonstrate in ''Actual Innocence: Five Days to Execution and Other Dispatches From the Wrongly Convicted.'' You will not soon read a more frightening book. It is a catalog of appalling miscarriages of justice, some of them nearly lethal. Their cumulative weight compels the conclusion that many innocent people are in prison, and some innocent people have been executed.

Scheck and Neufeld (both members of O.J. Simpson's ''dream team'' of defense attorneys) founded the pro-bono Innocence Project at the Benjamin N. Cardozo School of Law in New York to aid persons who convincingly claim to have been wrongly convicted. Dwyer, winner of two Pulitzer Prizes,

is a columnist for the New York Daily News. Their book is a heartbreaking and infuriating compendium of stories of lives ruined by:

Forensic fraud, such as that by the medical examiner who, in one death report, included the weight of the gallbladder and spleen of a man from whom both organs had been surgically removed long ago.

Mistaken identifications by eyewitnesses or victims, which contributed to 84 percent of the convictions overturned by the Innocence Project's DNA exonerations.

Criminal investigations, especially of the most heinous crimes, that become ''echo chambers'' in which, because of the normal human craving for retribution, the perceptions of prosecutors and jurors are shaped by what they want to be true. (The authors cite evidence that most juries will convict even when admissions have been repudiated by the defendant and contradicted by physical evidence.)

The sinnister culture of jailhouse snitches, who earn reduced sentences by fabricating ''admissions'' by fellow inmates to unsolved crimes.

Incompetent defense representation, such as that by the Kentucky attorney in a capital case who gave his business address as Kelly's Keg tavern.

The list of ways the criminal justice system misfires could be extended, but some numbers tell the most serious story: In the 24 years since the resumption of executions under Supreme Court guidelines, about 620 have occurred, but 87 condemned persons—one for every seven executed—had their convictions vacated by exonerating evidence. In eight of these cases, and in many more exonerations not involving death row inmates, the evidence was from DNA.

One inescapable inference from these numbers is that some of the 620 persons executed were innocent. Which is why, after the exoneration of 13 prisoners on Illinois' death row since 1987, for reasons including exculpatory DNA evidence, Gov. George Ryan, a Republican, has imposed a moratorium on executions.

Scheck, Neufeld and Dwyer note that when a plane crashes, an intensive investigation is undertaken to locate the cause and prevent recurrences. Why is there no comparable urgency about demonstrable, multiplying failures in the criminal justice system? They recommend many reforms, especially pertaining to the use of DNA and the prevention of forensic incompetence and fraud. Sen. Patrick Leahy's Innocence Protection Act would enable inmates to get DNA testing pertinent to a conviction or death sentence, and ensure that courts will hear resulting evidence.

The good news is that science can increasingly serve the defense of innocence. But there is other news.

Two powerful arguments for capital punishment are that it saves lives, if its deterrence effect is not vitiated by sporadic implementation, and it heightens society's valuation of life by expressing proportionate anger at the taking of life. But that valuation is lowered by careless or corrupt administration of capital punishment, which ''Actual Innocence'' powerfully suggests is intolerably common.

[From the Washington Times, Apr. 25, 2000]

DEATH EDICT FOR THE GUILTY ONLY

(By Bruce Fein)

Can reasonable people dispute that the government should confine the death penalty to persons guilty of the crime charged? And can reasonable people deny that the climbing number of exonerations of death row inmates on the ground of actual innocence creates chilling worries on that scores?

Those questions make both urgent and compelling enactment of the cool-headed bill (S. 2071) by Sen. Patrick Leahy, Vermont Democrat, to upgrade the reliability of verdicts in capital cases.

Manifold reasons justify the death penalty (which the U.S. Supreme Court has restricted to crimes of homicide): retribution against offenders whose killings are earmarked by shocking and barbaric wickedness, something akin to the Adolf Eichmann example; to control prison inmates already laboring under life sentences with no parole possibilities; to deter the murder of police or crime witnesses in the hope of escaping punishment of a lesser crime; and encouraging guilty pleas contingent on cooperation with prosecutors in murder conspiracy cases in exchange for a non-capital sentence.

Whether death sentences in general deter crime is hotly disputed. but if they do, their effects would not even begin to dent the crime problem.

A decent respect for life also demands scrupulous concern for the reliability of verdicts in capital punishment trials. Otherwise, the death penalty game is not worth the gamble of executing the innocent—a shameful stain on any system of Justice—and life sentences (perhaps in solitary confinement) without parole should be the maximum.

The Leahy bill laudably aims to preserve the death penalty by slashing the prevailing and highly worrisome risk of executing the innocent through greater DNA testing and competent defense counsel.

Unzip you ears to these facts. Since the Supreme Court in 1976 affirmed the constitutionality of the death penalty for heinous and aggravated murders, 610 death sentences have been implemented. Concurrently, 85 death row prisoners have been released not for technical procedural flukes but because of exculpatory evidence establishing their innocence. In other words, for every seven executions approximately one capital sentence has been levied on an innocent defendant.

Moreover, the detections of these grim injustices has been more haphazard than systematic. The case Randall Dale Adams and Antony Porter are emblematic.

The former was released after attracting the attention of cinematic genius, Earl Morris. His gripping movie, ''The Thin Blue Line,'' discredited the prosecution's case to a nationally awakened audience.

Mr. Porter had lived with the Sword of Damocles for 16 years, and in 1998 his hourglass fell to 48 hours. He was saved from wrongful execution by the plucky work of Northwestern University undergraduate journalism students, who proved Mr. Antony's innocence, a verdict that the State of Illinois conceded.

Quirks and citizen altruism, however, are woefully inadequate safeguards against executing the innocent. While nothing in life is absolutely certain but death and taxes, the Leahy bill would add two muscular measures to make the truth-finding process in capital cases as reliable as is reasonably feasible.

First, post-conviction DNA testing of biological material would be available to an inmate through court order upon a demonstration that the test could provide noncumulative exculpatory evidence; that the material is actually or constructively possessed by the government; and that no previous DNA test had been conducted or that new DNA techniques might reasonably yield more accurate and probative evidence. Jurisdictions also would be directed to preserve biological material gathered in the course of an investigation during the period of the criminal's incarceration for the purpose of possible DNA testing.

Of vastly greater importance to reliable death penalty verdicts, however, is securing competent defense counsel in lieu of incompetence or worse. The U.S. Supreme Court has repeatedly celebrated the indispensability of reasonably skilled lawyers to reliable verdicts. In the infamous Scottsboro, Ala., criminal justice farce, Powell vs. Alabama (1932), Justice George Sutherland, speaking for a unanimous court, lectured: ''Left without the aid of counsel [the accused] may be put on trial without a proper charge, and convicted on incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge to prepare his defense, even though he has a perfect one. He requires the guiding hand of counsel at every step of the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.''

Capital cases generally feature indigent defendants. And their court-appointed lawyers are frequently deficient because of austere rates of reimbursement or plain laziness.

For instance, the lawyer appointed to represent Ronald Keith Williamson was uncurious about the fact that another had confessed to the crime. He neglected to raise the exculpatory confession at trial, Williamson was convicted, and was later proven innocent through DNA testing after a 1997 federal appeals court decision overturned the trial verdict because of inert or anemic lawyering.

The Leahy legislation would end this blight in death penalty prosecutions by instructing the director of the Administrative Office of the United States Courts to creating a scheme for credentialing attorneys and providing reasonable pay in capital prosecutions against indigent defendants.

Aren't executions too definitive to be left to chancy discoveries of innocence? If the government does not want to pay the price of turning square corners in capital cases, shouldn't the prosecution accept a lesser maximum punishment?

[From the Washington Post, Feb. 28, 2000]

INNOCENT ON DEATH ROW

Sen. Patrick Leahy (D–Vt.) has introduced a bill that seeks to strengthen safeguards against wrongful executions. Those who support capital punishment should be as determined as its opponents to ensure that innocent people are not executed. By that logic, this legislation should enjoy wide support.

The bill would require both state and federal courts to permit post-conviction DNA testing in cases in which there is a significant question of innocence. It also would encourage states to retain biological evidence, thereby ensuring that there is a material to test when innocence questions arise. Perhaps more important, the bill would make federal criminal justice funds to the states contingent on their improving legal representation for the accused in all stages of death-penalty litigation.

This is a critical reform, as the absence of competent counsel is a pervasive theme in wrongful convictions. The bill would raise the insultingly low limit for damages against the federal government—$5,000 per year in jail—for those wrongly convicted of federal crimes. And it would encourage states to offer reasonable compensation as well.

These are common-sense improvements to the basic infrastructure of the death penalty. For those who favor the abolition of capital punishment, they may seem inadequate. But by focusing only on protecting the innocent—not on a broader agenda of halting all executions—Mr. Leahy places the spotlight on what should be bedrock principle for all

who believe in due process. To support these reforms, one need only believe that people accused of capital crimes should have reasonably able counsel and that—when substantial questions arise about the rightness of their convictions—they should have the ability to prove their innocence.

[From the New York Times, Feb. 19, 2000]

NEW LOOKS AT THE DEATH PENALTY

America is at last beginning to grapple honestly with the profound flaws of the death penalty system. Late last month Gov. George Ryan of Illinois, a Republican, became the first governor in a death penalty state to declare a moratorium on executions, citing well-founded concerns about his state's ''shameful record of convicting innocent people and putting them on death row.'' That has now been followed by moves in Congress and the executive branch to review death penalty policies from a national perspective.

Senator Russell Feingold of Wisconsin has urged President Clinton to suspend all federal executions pending a review of death penalty procedures similar to the one Governor Ryan has initiated in Illinois. Problems of inadequate legal representation, lack of access to DNA testing, police misconduct, racial bias and even simple errors are not unique to Illinois, Mr. Feingold noted.

The Justice Department has also initiated its own review to determine whether the federal death penalty system unfairly discriminates against racial minorities. At his news conference this week, Mr. Clinton praised the death penalty moratorium in Illinois, but indicated he thought a federal moratorium was unnecessary. Mr. Feingold has urged him to reconsider. Given his lame-duck status, the president can afford to call a halt without worrying about being falsely labeled soft on crime. Moreover, the fact that a Republican governor was first to announce a moratorium should minimize any concern about Vice President Al Gore being so labeled.

Congress need not wait for the administration to act. Last week Senator Patrick Leahy, Democrat of Vermont, introduced legislation to address ''the growing national crisis'' in how capital punishment is administered. This promising measure, the Innocence Protection Act of 2000, stops short of abolishing the death penalty, the course we hope the nation will eventually follow. But key provisions would lessen the chance of unfairness and deadly error by making DNA testing available to both state and federal inmates, and by setting national standards to ensure that competent lawyers are appointed for capital defendants.

Without such protections, there is a grave possibility of judicial error. Nationally, 612 people have been executed since the Supreme Court reinstated capital punishment in 1976. During the same period, 81 people in 21 states have been found innocent and released from death row—some within hours of being executed. That suggests that many who were executed might also have been innocent.

Neither the states nor the courts are providing adequate protection against awful miscarriages of justice. In Texas, the nation's leader in executions, courts have upheld death sentences in cases where defense lawyers slept during big portions of the trial. Lately, Congress and the Supreme Court have exacerbated the danger of mistaken executions by curtailing appeal and habeas corpus rights. They have also ignored the festering problem of inadequate legal representation that caused the American Bar Association to call for a death penalty moratorium three years ago. Even death penalty supporters have to be troubled by a system shown to have a high risk of executing the innocent.

[From the Washington Post, Mar. 20, 2000]

ON VIRGINIA'S DEATH ROW

Derek Barnabei evokes no sympathy. He is on death row in Virginia for the rape and murder of his girlfriend, Sarah Wisnosky, in 1993. The evidence of his guilt seems strong. But that strong probability of guilt makes Virginia's unwillingness to permit DNA testing of potentially key evidence all the more puzzling. Mr. Barnabei has maintained his innocence, and the case has a few troubling aspects. In light of this, it only makes sense to test bloodstained physical evidence retained but never tested by investigators. Yet Virginia balks on the grounds that Mr. Barnabei's guilt is so clear.

The likelihood is that the blood is Ms. Wisnosky's, which would neither bolster nor undermine the jury's verdict in the case. It also could be Mr. Barnabei's, which would reinforce the integrity of the verdict. But the presence of someone else's blood would make Mr. Barnabei's claims more credible.

It is hard to see why a state, before putting someone to death, would be unwilling to demonstrate a jury verdict's consistency with all of the evidence. Indeed, this is precisely the type of case in which the state should have no choice. Under a bill being pushed by Sen. Patrick Leahy (D–Vt.), states would be obligated in such circumstances to allow post-conviction DNA testing. Such a law would not merely offer a lawyer of protection to innocent people but would increase public confidence in the convictions of guilty people.●

Mr. SMITH of Oregon. Mr. President, I am a supporter of the death penalty. I believe there are some times when humankind can act in a manner so odious so heinous, and so depraved that the right to life is forfeited. Notwithstanding this belief—indeed, because of this belief—I rise today to talk about the importance of protecting innocent people in this country from wrongful imprisonment and execution. Today, Senator LEAHY and I are introducing the Innocence Protection Act of 2000 that will use the technological advances of the 21st century to ensure that justice is served swiftly and fairly.

It has been difficult to open a newspaper in recent months without finding discussion of the death penalty and possible miscarriages of justice. You have almost certainly seen or heard reports of inmates being freed from death row based on results of new genetic tests that were unavailable at the time of trial. There have been a number of cases where this has, in fact, occurred.

This is a cause for concern for a number of cases. First and foremost, of course, is the possibility that an innocent person could lose his or her life if wrongfully convicted. In such cases, this also leads to the double tragedy that the true guilty party remains free to roam the country in search of future victims. Clearly, capturing and convicting the true perpetrator of a crime is in everyone's best interests.

The Innocence Protection Act of 2000 would provide a national standard for post-conviction DNA testing of inmates who believe they have been wrongly incarcerated. Although many inmates were convicted before modern methods of genetic fingerprinting were available, not all states routinely allow post-conviction DNA testing.

This does not make sense. If we are to have a system that is just, transparent, and defensible, we must make absolutely certain that every person who is behind bars deserves to be there. One of the best ways to do this is to make the most advanced technology available for cases in which physical evidence could have an influence on the verdict.

Making DNA testing available will result in some convictions being overturned. In such cases, people who have been unjustly incarcerated must be afforded fair compensation for the lost years of their lives. The Leahy-Smith Innocence Protection Act of 2000 has a provision that would do this. Sometimes a person who has been wrongly imprisoned is released from prison with bus fare and the clothes on his or her back. This practice simply heaps one wrong upon another.

While officers of America's courts and law enforcement work extremely hard to ensure that the true perpetrators of heinous crimes are caught and convicted, there have been instances where defendants have been represented by overworked, underpaid, or even unqualified counsel, and this situation cannot be tolerated in a system of criminal justice. The Leahy-Smith Innocence Protection Act of 2000 would ensure that defendants who are put on trial for their lives receive competent legal representation at every stage in their cases.

The Innocence Protection Act of 2000 will allow us, as a nation, to continue our confidence in the American judicial system and in the fair and just application of the death penalty. We must have confidence in the integrity of justice, that it will both protect the innocent and punish the guilty. This legislation will not prevent true criminals from being executed; rather, it will increase support for the death penalty by providing added assurances that American justice is administered fairly across the country.

Therefore, I urge my colleagues on both sides of the aisle, whether you support or oppose capital punishment, to join Senator LEAHY and me in backing the Innocence Protection Act of 2000, which will put the fingerprint of the 21st century on our criminal justice system, ensuring that innocent lives are not unjustly taken in this country.

Ms. COLLINS Mr. President, I am pleased to join as a cosponsor of the ''Innocence Protection Act.''

Since the reinstatement of capital punishment in 1976, 610 people have been executed in our nation. In that same period of time, an astounding 87 people who were sentenced to die have been found innocent and released from death row. Each of these individuals has lived the Kafkaesque nightmare of condemnation and imprisonment for crimes they have not committed. It is

difficult to imagine the despair and betrayal these individuals must have felt as they were accused, tried, convicted and sentenced, all the time knowing they were not guilty. And during all those years they remained in prison, the real perpetrators remained at large.

I am an opponent of the death penalty, and I am proud to be from the State of Maine which outlawed the death penalty in 1887. The legislation we introduce today is, however, not an anti-death penalty measure.

The legislation we introduce today simply requires logical safeguards to be put in place to prevent wrongful convictions. Its two most important provisions compel DNA testing where it can yield evidence of innocence, and puts in place a new process to ensure defendants receive competent counsel in death penalty cases.

The ''Innocence Protection Act'' calls on the federal government and the states to make DNA testing available in circumstances where it could yield new evidence of innocence. The incidents in which DNA testing has exonerated individuals are not isolated—64 people have been released from prison or death row due to DNA testing.

Linus Pauling once said that ''science is the search for truth.'' Through DNA testing, science provides a tool that can uncover the truth, and lend certainty to our moral obligation in a civilized society—proper administration of our criminal justice system.

The legislation we introduce today assists the wrongfully convicted, and will help prevent the miscarriages of justices that have seemed sadly common. It will also serve the interests of justice and protect crime victims. Justice is never served until the true perpetrator of a crime is identified, convicted and punished. We owe it to the victims and their families to pursue every avenue to find and hold accountable the true criminals who have injured them.

Our American ideals and sense of justice simply cannot tolerate the current risk for mistaken executions. The case of Mr. Anthony Porter should shock the conscience of America. Mr. Porter spent over 16 years on death row, and at one point he was only two days short of receiving a lethal injection, having been convicted of two murders. A determined group of journalism students investigated his case and uncovered evidence that exonerated Mr. Porter. It was only through their efforts that the identity of the real murderer was determined, a review of the case compelled, and Mr. Porter ultimately freed. The peculiar good fortune that lead to the release of Mr. Porter undeniably highlights a weakness in our system of justice that cries out for remedy.

Nothing that we can do here today can restore those years to Mr. Porter, or others who have been wrongly convicted, but we can demand safeguards be put in place to protect the innocent from conviction, and protect society from real criminals who may remain loose on our streets. Regardless of one's views about the death penalty, I hope we all can agree to needed safeguards to help ensure that justice is served.

Thank you, Mr. President, I yield the floor.

● Mr. FEINGOLD. Mr. President, I am extremely pleased to join my distinguished colleague from Vermont and ranking member of the Judiciary Committee, Senator LEAHY, as a cosponsor of the Innocence Protection Act of 2000. I commend him for his leadership on this important legislation. The insight and unique experience that he brings to this issue as a former federal prosecutor is invaluable. I have no doubt that because of his leadership and diligence, Americans have recently become more aware of the important role that the certainty of science can have in our criminal justice system. Improvements in DNA testing have allowed us to determine with greater accuracy whether certain offenders committed the crime that sent them to prison, including, very importantly, of course, those who have been condemned to death row.

Since the 1970s, 87 people sentenced to die were later proven innocent. Some of those innocent death row inmates were able to prove their innocence based on modern DNA testing of biological evidence. But, Mr. President, this is not just about ensuring that we not condemn the innocent. DNA testing can also ensure that the guilty person not go free. DNA testing can be a tool for the prosecution to determine whether they have the right person.

Over the last several months, I have spoken often on the floor about the serious flaws in the administration of capital punishment across the nation. I strongly support Senator LEAHY's bill. It is a much over-due package of reforms that goes after some of the worst failings in our nation's administration of capital punishment—those that are unfair, unjust and plain just un-American.

Very simply, Senator LEAHY's bill can help save lives. His bill would make it less likely for an innocent man or woman to be sent to death row, where biological evidence is central to the issue of guilt or innocence. The bill also would make it more likely that a poor person receive adequate defense representation and less likely that a poor person gets stuck with a lawyer that sleeps through trial. Yesterday, I spoke on the floor about specific examples of such cases of egregious failings of defense counsel.

We must ensure the utmost fairness in the administration of this ultimate punishment. I hope our colleagues—both those who support the death penalty in principle and those who oppose it—will join together in fixing this broken system and restoring fairness and justice. All Americans demand and deserve no less.

Mr. President, I think it is very significant that this important bill now has bipartisan support. I want to thank and commend my colleagues, Senators GORDON SMITH, SUSAN COLLINS and JAMES JEFFORDS, for recognizing that flaws exist in our system of justice and acknowledging that something has to be done about it. I hope this is a sign that we can work together with the very real goal of passing this bill this year. Until we do so, the lives of innocent people literally hang in the balance.●

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 2691. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

THE LITTLE SANDY WATERSHED PROTECTION ACT

Mr. WYDEN. Mr. President, I rise today to introduce the Little Sandy Watershed Protection Act.

I promised Oregonians that my first legislative business when Congress reconvened after the Memorial Day Recess would be the introduction of this bill.

Therefore, joined by my friends Senator GORDON SMITH and Congressman EARL BLUMENAUER, I introduce this legislation to make sure that Portland families can go to their kitchen faucets and get a glass of safe and pure drinking water today, tomorrow, and on, into the 21st century.

The Bull Run has been the primary source of water for Portland since 1895. The Bull Run Watershed Management Unit, Mount Hood National Forest, was protected by Congressional action in 1904, 1977 and then again, most recently, in 1996 (P.L. 95–200, 16, U.S.C. 482b note) because it was recognized as Portland's primary municipal water supply. It still is.

Today I propose to finish the job of the Oregon Resources and Conservation Act of 1996. That law, which I worked on with Senator Mark Hatfield, finally provided full protection to the Bull Run watershed, but only provided temporary protection for the adjacent Little Sandy watershed. I promised in 1996 that I would return to finish the job of protecting Portland's drinking water supply and intend to continue to push this legislation until the job is complete.

The bill I introduce today expands the Bull Run Watershed Management Unit boundary from approximately 95,382 acres to approximately 98,272 acres by adding the southern portion of the Little Sandy River watershed, an increase of approximately 2,890 acres.

The protection this bill offers will not only assure clean drinking water, but also increase the potential for fish recovery. Reclaiming suitable habitat for our region's threatened fish populations must be an all-out effort.

Through the cooperation of Portland General Electric and the City of Portland, the Little Sandy can be an important part of that effort.

My belief is that the children of the 21st century deserve water that is as safe and pure as any that the Oregon pioneers found in the 19th century. This legislation will go a long way toward bringing about that vision.

Mr. SMITH of Oregon. Mr. President, let me begin by saying that I am pleased to be a cosponsor of this legislation aimed at protecting the Little Sandy Watershed for future generations. The Little Sandy lies adjacent to the Bull Run Watershed, which is the primary municipal water supply for the City of Portland, Oregon. The water that filters through these forests and mountainsides to the east of Portland is of the highest quality in the nation and does not require artificial filtration or treatment.

The Bull Run Watershed Management Unit was established by congressional action in 1977, creating a management partnership between the USDA Forest Service and the City of Portland for the review of water quality and quantity. Additional protection was given to the Bull Run by the Northwest Forest Plan in 1993, restricting all timber harvests in sensitive areas. Neither of these actions, however, extended a satisfactory level of protection to the nearby Little Sandy Watershed. Population growth and heightened water quality expectations have brought the preservation of the Little Sandy Watershed to the forefront of the public's interest in recent years.

The legislation that I have cosponsored would expand the boundary of the Bull Run Watershed Management Unit to include the southern portion of the Little Sandy. This would add nearly 3,000 acres to the Management Unit, including a number of acres currently managed by the Bureau of Land Management (BLM). I am aware that questions have just arisen as to whether some of this acreage is currently managed by O & C lands. If so, there are concerns that O & C land would be devalued by a change in management designation. If this is the case, as the bill moves through the legislative process, I will seek the redesignation of other lands outside the preserve in order to maintain the wholeness of O & C land and the timber base.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 2692. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve safety of imported products, and for other purposes; to the Committee on Health Education, Labor, and Pensions.

IMPORTED PRODUCTS SAFETY IMPROVEMENT AND DISEASE PREVENTION ACT OF 2000

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the ''Imported Products Safety Improvement and Disease Prevention Act of 2000.'' I am proud to be the sponsor of this important legislation which guarantees the improved safety of imported foods, and I have high hopes that we will act on it this year.

The health of Americans is not something to take chances with. It is important that we make food safety a top priority. Every person should have the confidence that their food is fit to eat. We should be confident that imported food is as safe as food produced in this country. Cars can't be imported unless they meet U.S. safety requirements. Prescription drugs can't be imported unless they meet FDA standards. You shouldn't be able to import food that isn't up to U.S. standards, either.

We import increasing quantities of fresh fruits and vegetables, seafood, and many other foods. In the past seven years, the amount of food imported into the U.S. has more than doubled. Out of all the produce we eat, 40% of it is imported. Our food supply has gone global, so we need to have global food safety.

The impact of unsafe food is staggering. There have been several frightening examples of food poisoning incidents in the U.S. When Michigan schoolchildren were contaminated with Hepatitis A from imported strawberries in 1997, Americans were put on alert. Thousands of cases of cyclospora infection from imported raspberries—resulting in severe, prolonged diarrhea, weight loss, vomiting, chills and fatigue were also reported that year. Imported cantaloupe eaten in Maryland sickened 25 people. As much as $663 million was spent on food borne illness in Maryland alone. Overall, as many as 33 million people per year become ill and over 9000 die as a result of food borne illness. It is our children and our seniors who suffer the most. Most of the food-related deaths occur in these two populations.

These incidents have scared us and have jump-started the efforts to do more to protect our nation's food supply. Now, I believe in free trade, but I also believe in fair trade. FDA's current system of testing import samples at ports of entry does not protect Americans. It is ineffective and resource-intensive. Less than 2 percent of imported food is being inspected under the current system. At the same time, the quantity of the imported foods continues to increase.

What this law does is simple: It improves food safety and aims at preventing food borne illness of all imported foods regulated by the FDA. This bill takes a long overdue, big first step.

First, it requires that FDA make equivalence determinations on imported food. This was developed with the FDA by Senator KENNEDY and myself in consultation with the consumer groups.

Today, FDA has no authority to protect Americans against imported food that is unsafe until it is too late. According to the GAO, the FDA lacks the authority to require that food coming into the U.S. is produced, prepared, packed or held under conditions that provide the same level of food safety protection as those in the U.S. This means that currently, food offered for import to the U.S., can be imported under any conditions, even if those conditions are unsanitary. The Imported Products Safety Improvement and Disease Prevention Act of 2000 will allow FDA to look at the production at its source. This means that FDA will be able to take preventive measures. FDA will be able to be proactive, rather than just reactive.

That means that when you pack your childrens' lunches for school or sit down at the dinner table, you can rest assured that your food will be safe. Whether your strawberries were grown in a foreign country or on the Eastern Shore, in Maryland, those strawberries will be held to the same standard. You won't have to worry or wonder where your food is coming from. You won't have to worry that your children or families are going to get sick. You will know that the food coming into this country will be subject to equivalent standards.

Second, this bill contains strong enforcement measures. Last year, the Permanent Subcommittee on Investigations, under the leadership of Senator SUE COLLINS, held numerous hearings on the safety of imported food. These enforcement measures are largely a product of those facts uncovered during those hearings.

Finally, this bill covers emergency situations by allowing FDA to ban imported food that has been connected to outbreaks of food borne illness. When our children, parents and communities are getting seriously sick, the Secretary of Health and Human Services can immediately issue an emergency ban. We don't have to wait till someone else gets seriously sick or dies. We no longer have to go through the current bureaucratic mechanism that is inefficient and resource intensive. We can stop the food today, to protect our citizens.

My goal is to strengthen the food supply, whatever the source of the food may be. This bill won't create trade barriers. It just calls for free trade of safe food. It calls for international concern and consensus on guaranteeing standards for public health.

This bill is important because it will save lives and makes for a safer world. Everyone should have security in knowing that the food they eat is fit to eat. I look forward to working on a bipartisan basis to enact this legislation. I pledge my commitment to fight for ways to make America's food supply safer. This bill is an important step in that direction.

Mr. President, I ask unanimous consent that the text of the bill and a summary be added to the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2692

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 ''Imported Products Safety Improvement and Disease Prevention Act of 2000''.

TITLE I—IMPROVEMENTS TO THE PRODUCT SAFETY IMPORT SYSTEM

SEC. 101. EQUIVALENCE AUTHORITY TO PROTECT THE PUBLIC HEALTH FROM CONTAMINATED IMPORTED PRODUCTS.

(a) EQUIVALENCE DETERMINATIONS, AND MEASURES, SYSTEMS, AND CONDITIONS TO ACHIEVE PUBLIC HEALTH PROTECTION.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following:

''(d)(1) Subject to paragraphs (2) and (3), any covered product offered for import into the United States shall be prepared (including produced), packed, and held under a system or conditions, or subject to measures, that meet the requirements of this Act or that have been determined by the Secretary to be equivalent to a system, conditions, or measures for such covered product in the United States and to achieve the level of public health protection for such covered product prepared, packed, and held in the United States. Consistent with section 492 of the Trade Agreements Act of 1979 (19 U.S.C. 2578a), the Secretary shall make, where appropriate, equivalence determinations described in that section relating to sanitary or phytosanitary measures (including systems and conditions) that apply to the preparation, packing, and holding of covered products offered for import into the United States.

''(2) In carrying out this subsection, the Secretary shall conduct systematic evaluations of the systems, conditions, and measures in foreign countries that apply to the preparation, packing, and holding of covered products offered for import into the United States.

''(3) The Secretary shall develop a plan for the implementation of the authority under this subsection within 2 years after the date of enactment of the Imported Products Safety Improvement and Disease Prevention Act of 2000. In developing the plan, the Secretary shall provide an opportunity for, and take into consideration, public comment on a proposed plan.''.

(b) GENERAL AUTHORITY.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended in subsection (a), is further amended by inserting after subsection (d) the following:

''(e)(1)(A) The Secretary shall establish a system, for use by the Secretary of the Treasury, to deny the entry of any covered product offered for import into the United States if the Secretary of Health and Human Services makes and publishes—

''(i) a written determination that the covered product—

''(I) has been associated with repeated and separate outbreaks of disease borne in a covered product or has been repeatedly determined by the Secretary to be adulterated within the meaning of section 402;

''(II) presents a reasonable probability of causing significant adverse health consequences or death; and

''(III) is likely, without systemic intervention or changes, to cause disease or be adulterated again; or

''(ii) an emergency written determination that the covered product has been strongly associated with a single outbreak of disease borne in a covered product that has caused serious adverse health consequences or death.

''(B)(i) The Secretary shall make a determination described in subparagraph (A) with respect to—

''(I) a covered product from a specific producer, manufacturer, or shipper; or

''(II) a covered product from a specific growing area or country;

that meets the criteria described in subparagraph (A).

''(ii) Only the covered product from the specific producer, manufacturer, shipper, growing area, or country for which the Secretary makes the determination shall be subject to denial of entry under this subsection.

''(C) The denial of entry of any covered product under this paragraph shall be done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States under the agreements.

''(D)(i) Before making any written determination under subparagraph (A)(i), the Secretary shall consider written comments, on a proposed determination, made by any party affected by the proposed determination and any remedial actions taken to address the findings made in the proposed determination. In making the written determination, the Secretary may modify or rescind the proposed determination in accordance with such comments.

''(ii)(I) The Secretary may immediately issue an emergency written determination under subparagraph (A)(ii) without first considering comments on a proposed determination.

''(II) Within 30 days after the issuance of the emergency determination, the Secretary shall consider written comments on the determination that are made by a party described in clause (i) and received within the 30-day period. The Secretary may affirm, modify, or rescind the emergency determination in accordance with the comments.

''(III) The emergency determination shall be in effect—

''(aa) for the 30-day period; or

''(bb) if the Secretary affirms or modifies the determination, until the Secretary rescinds the determination.

''(2)(A) The covered product initially denied entry under paragraph (1) may be imported into the United States if the Secretary finds that—

''(i) the written determination made under paragraph (1) no longer justifies the denial of entry of the covered product; or

''(ii) evidence of remedial action submitted from the producer, manufacturer, shipper, specific growing area, or country for which the Secretary made the written determination under paragraph (1) addresses the determination.

''(B)(i) The Secretary shall take action on evidence submitted under subparagraph (A)(ii) within 90 days after the date of the submission of the evidence.

''(ii) The Secretary's action may include—

''(I) lifting the denial of entry of the covered product; or

''(II) continuing to deny entry of the covered product while requesting additional information or specific remedial action from the producer, manufacturer, shipper, specific growing area, or country.

''(iii) If the Secretary does not take action on evidence submitted under subparagraph (A)(ii) within 90 days after the date of submission, effective on the 91st day after the date of submission, the covered product initially denied entry under paragraph (1) may be imported into the United States.

''(3) The Secretary shall by regulation establish criteria and procedures for the system described in paragraph (1). The Secretary may by regulation modify those criteria and procedures, as the Secretary determines appropriate.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 351(h) of the Public Health Service Act (42 U.S.C. 262(h)) is amended by striking ''section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e))'' and inserting ''section 801(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)(1))''.

(2) Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended—

(A) in paragraph (t), by striking ''section 801(d)(1)'' and inserting ''section 801(f)(1)''; and

(B) in paragraph (w)—

(i) by striking ''sections 801(d)(3)(A) and 801(d)(3)(B)'' and inserting ''subparagraphs (A) and (B) of section 801(f)(3)'';

(ii) except as provided in clause (i), by striking ''section 801(d)(3)'' each place it appears and inserting ''section 801(f)(3)''; and

(iii) by striking ''section 801(e)'' and inserting ''section 801(g)''.

(3) Section 303(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)(1)(A)) is amended by striking ''section 801(d)(1)'' and inserting ''section 801(f)(1)''.

(4) Section 304(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(d)(1)) is amended—

(A) by striking ''section 801(e)(1)'' and inserting ''section 801(g)(1)''; and

(B) except as provided in subparagraph (A), by striking ''section 801(e)'' each place it appears and inserting ''section 801(g)''.

(5) Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(A) in subsection (a), in the third sentence, by striking ''subsection (b) of this section'' and inserting ''subsection (b) or subsection (e)(2)(A) (in the case of a covered product described in that subsection)'';

(B) in paragraph (3)(A) of subsection (f), as redesignated in subsection (a), by striking ''section 801(e) or 802'' and inserting ''subsection (g), section 802,''; and

(C) in paragraph (1) of subsection (h), as redesignated in subsection (a), by striking ''subsection (e)'' and inserting ''subsection (g)''.

(6) Section 802 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 382) is amended—

(A) in subsection (a)(2)(C), by striking ''section 801(e)(2)'' and inserting ''section 801(g)(2)'';

(B) in subsection (f)(3), by striking ''section 801(e)(1)'' and inserting ''section 801(g)(1)''; and

(C) in subsection (i), by striking ''section 801(e)(1)'' and inserting ''section 801(g)(1)''.

SEC. 102. PROHIBITION AGAINST THE DISTRIBUTION OF CERTAIN PRODUCTS.

(a) ADULTERATED PRODUCTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

''(h)(1) If—

''(A) it is a covered product being imported or offered for import into the United States;

''(B) the covered product has been designated by the Secretary for sampling, examination, or review for the purpose of determining whether the covered product is in compliance with this Act;

''(C) the Secretary requires, under section 801(a)(2)(B), that the covered product not be distributed until the Secretary authorizes the distribution of the covered product; and

''(D) the covered product is distributed before the Secretary authorizes the distribution.

''(2) In this paragraph, the term 'distributed', used with respect to a covered product, means—

''(A) moved for the purpose of selling the covered product, offering the covered product for sale, or delivering the covered product for the purpose of selling the covered product or offering the covered product for sale; or

''(B) delivered contrary to any bond requirement.''.

(b) PROHIBITION.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the third sentence, by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by striking ''(a) The'' and inserting ''(a)(1) The'';

(3) in the last sentence, by striking ''Clause (2)'' and inserting ''Subparagraph (B)'';

(4) by moving the fourth sentence to the end;

(5) in the sentence so moved, by striking ''The Secretary'' and inserting the following: ''(2)(A) The Secretary''; and

(6) by adding at the end the following:

''(B) The Secretary of Health and Human Services may require that a covered product being imported or offered for import into the United States not be distributed until the Secretary authorizes distribution of the covered product.''.

SEC. 103. REQUIREMENT OF SECURE STORAGE OF CERTAIN IMPORTED PRODUCTS.

(a) ADULTERATED PRODUCTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 102(a), is further amended by adding at the end the following:

''(i) If—

''(1) it is a covered product being imported or offered for import into the United States;

''(2) the Secretary requires, under section 801(a)(2)(C), that the covered product be held in a secure storage facility until the Secretary authorizes distribution of the covered product; and

''(3) the covered product is not held in a secure storage facility as described in section 801(a)(2)(C) until the Secretary authorizes the distribution.''.

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 102(b), is further amended by adding at the end the following:

''(C)(i) The Secretary of Health and Human Services may require that a covered product that is being imported or offered for import into the United States be held, at the expense of the owner or consignee of the covered product, in a secure storage facility until the Secretary authorizes distribution of the covered product, if the Secretary makes the determination that the covered product is—

''(I) being imported or offered for import into the United States by a person described in clause (ii); or

''(II) owned by or consigned to a person described in clause (ii).

''(ii) An importer, owner, or consignee referred to in subclause (I) or (II) of clause (i) is a person against whom the Secretary of the Treasury has assessed liquidated damages not less than twice under subsection (b) for failure to redeliver, at the request of the Secretary of the Treasury, a covered product subject to a bond under subsection (b).''.

SEC. 104. REQUIREMENT OF ADMINISTRATIVE DESTRUCTION OF CERTAIN IMPORTED PRODUCTS.

(a) ADULTERATED PRODUCTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 103(a), is further amended by adding at the end the following:

''(j) Notwithstanding subsections (a)(2)(A) and (b) of section 801, if—

''(1) it is a covered product being imported or offered for import into the United States;

''(2) the covered product presents a reasonable probability of causing significant adverse health consequences or death;

''(3) the Secretary, after the covered product has been refused admission under section 801(a), requires under section 801(a)(2)(D) that the covered product be destroyed; and

''(4) the owner or consignee of the covered product fails to comply with that destruction requirement.''.

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 103(b), is further amended by adding at the end the following:

''(D) The Secretary of Health and Human Services may require destruction, at the expense of the owner or consignee, of a covered product imported or offered for import into the United States that presents a reasonable probability of causing significant adverse health consequences or death.''.

SEC. 105. PROHIBITION AGAINST PORT SHOPPING.

Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 104(a), is further amended by adding at the end the following:

''(k) If it is a covered product being imported or offered for import into the United States, and the covered product previously has been refused admission under section 801(a), unless the person reoffering the article affirmatively establishes, at the expense of the owner or consignee of the article, that the article complies with the applicable requirements of this Act, as determined by the Secretary.''.

SEC. 106. PROHIBITION OF IMPORTS BY DEBARRED PERSONS.

Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 105, is further amended by adding at the end the following:

''(l) If it is a covered product being imported or offered for import into the United States by a person debarred under section 306(b)(4).''.

SEC. 107. AUTHORITY TO MARK REFUSED ARTICLES.

(a) MISBRANDED PRODUCTS.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(t) If—

''(1) it has been refused admission under section 801(a);

''(2) the covered product has not been required to be destroyed under subparagraph (A) or (B) of section 801(a)(2); and

''(3) the packaging of the covered product does not bear a label or labeling described in section 801(a)(2)(E).''.

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 104(b), is further amended by adding at the end the following:

''(E) The Secretary of Health and Human Services may require the owner or consignee of a covered product that has been refused admission under paragraph (1), and has not been required to be destroyed under subparagraph (A) or (B), to affix to the packaging of the covered product a label or labeling that—

''(i) clearly and conspicuously bears the following statement: 'United States: Refused Entry.';

''(ii) is affixed to the packaging until the covered product is brought into compliance with this Act; and

''(iii) has been provided at the expense of the owner or consignee of the covered product.''.

SEC. 108. EXPORT OF REFUSED ARTICLES.

Paragraph (2)(A) of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as designated in section 102(b), is amended by striking ''ninety days'' and inserting ''30 days''.

SEC. 109. COLLECTION AND ANALYSIS OF SAMPLES OF PRODUCT IMPORTS.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended in section 101(a), is further amended by adding at the end the following:

''(i) The Secretary may issue regulations or guidance as necessary to govern the collection and analysis by entities other than the Food and Drug Administration of samples of a covered product imported or offered for import into the United States to ensure the integrity of the samples collected and the validity of the analytical results.''.

SEC. 110. DEFINITION.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) The term 'covered product' means an article that is described in subparagraph (1), (2), or (3) of paragraph (f) and that is not a dietary supplement. The term shall not include an article to the extent that the Secretary of Agriculture exercises inspection authority over the article at the time of import into the United States.''.

TITLE II—ENFORCEMENT AND PENALTIES FOR IMPORTING CONTAMINATED PRODUCTS

SEC. 201. ENHANCED BONDING REQUIREMENTS FOR PRIOR INVOLVEMENT IN IMPORTING ADULTERATED OR MISBRANDED PRODUCTS.

Section 801(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(b)) is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) The Secretary of the Treasury, acting through the Commissioner of Customs, shall issue regulations that establish a rate for a bond required to be executed under paragraph (1) for a covered product if an owner, consignee, or importer of the covered product has committed a covered violation.

''(B) The regulations shall require the owner or consignee to execute such a bond—

''(i) at twice the usual rate; or

''(ii) if the owner, consignee, or importer has committed more than 1 covered violation, at a rate that increases with the number of covered violations committed, as determined in accordance with a sliding scale established in the regulations.

''(C) In this paragraph:

''(i) The term 'committed' means been convicted of, or found liable for, a violation by an appropriate court or administrative officer.

''(ii) The term 'covered violation' means a violation relating to—

''(I) importing or offering for import into the United States—

''(aa) a covered product during a period of debarment under section 306(b)(4);

''(bb) a covered product that is adulterated within the meaning of paragraph (h), (i), (j), (k), or (l) of section 402; or

''(cc) a covered product that is misbranded within the meaning of section 403(t); or

''(II) making a false or misleading statement in conduct relating to the import or offering for import of a covered product into the United States.

''(iii) The term 'usual rate', used with respect to a bond, means the rate that would be required under paragraph (1) for the bond by a person who has not committed a covered violation.''.

SEC. 202. DEBARMENT OF REPEAT OFFENDERS AND SERIOUS OFFENDERS.

(a) IN GENERAL.—Section 306(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)) is amended—

(1) in paragraph (1), in the paragraph heading, by striking ''IN GENERAL.—'' and inserting ''DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—'';

(2) in paragraph (2), in the paragraph heading, by striking ''PERSONS SUBJECT TO PERMISSIVE DEBARMENT.—'' and inserting ''PERSONS SUBJECT TO PERMISSIVE DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—'';

(3) in paragraph (3), in the paragraph heading, by striking ''STAY OF CERTAIN ORDERS.—'' and inserting ''STAY OF CERTAIN ORDERS RELATING TO DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—''; and

(4) by adding at the end the following:

''(4) DEBARMENT FOR VIOLATIONS RELATING TO PRODUCT IMPORTS.—

''(A) IN GENERAL.—The Secretary may debar a person from importing a covered product or offering a covered product for import into the United States, if—

''(i) the Secretary finds that the person has been convicted for conduct that is a felony under Federal law and relates to the importation or offering for importation of any covered product into the United States; or

''(ii) the Secretary makes a written determination that the person has repeatedly or deliberately imported or offered for import into the United States a covered product adulterated within the meaning of paragraph (h), (i), (j), or (k) of section 402, or misbranded within the meaning of section 403(t).

''(B) IMPACT.—On debarring a person under subparagraph (A), the Secretary shall provide notice of the debarment to the Secretary of the Treasury, who shall deny entry of a covered product offered for import by the person.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 306 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a) is amended—

(A) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking '', and'' at the end and inserting a comma;

(II) by redesignating subparagraph (C) as subparagraph (D); and

(III) by inserting after subparagraph (B) the following:

''(C) shall, during the period of a debarment under subsection (b)(4), prohibit the debarred person from importing a covered product or offering a covered product for import into the United States, and'';

(ii) in paragraph (2)(A), by inserting after clause (iii) the following:

''(iv) The period of debarment of any person under subsection (b)(4) shall be not less than 1 year.''; and

(iii) in paragraph (3)—

(I) in subparagraph (C)—

(aa) by striking ''suspect drugs'' and inserting ''suspect drugs or covered products''; and

(bb) by striking ''fraudulently obtained'' and inserting ''fraudulently obtained or on a covered product wrongfully imported into the United States''; and

(II) in subparagraph (E), by inserting ''in the case of a debarment relating to a drug,'' after ''(E)'';

(B) in subsection (d)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking ''or (b)(2)(A)'' and inserting ''or paragraph (2)(A) or (4) of subsection (b)''; and

(bb) in clause (ii)(II), by inserting ''in the case of a debarment relating to a drug,'' after ''(II)''; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking ''or clause (i), (ii), (iii) or (iv) of subsection (b)(2)(B)'' and inserting '', clause (i), (ii), (iii), or (iv) of subsection (b)(2)(B), or subsection (b)(4)''; and

(bb) in clause (ii), by striking ''subsection (b)(2)(B)'' and inserting ''paragraph (2)(B) or (4) of subsection (b)''; and

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking ''(a)(2)'' and inserting ''(a)(2) or (b)(4)'';

(II) in subparagraph (B)—

(aa) in clause (ii), by striking ''involving the development or approval of any drug subject to section 505'' and inserting ''involving, as appropriate, the development or approval of any drug subject to section 505 or the importation of any covered product''; and

(bb) in clause (iv), by striking ''drug'' each place it appears and inserting ''drug or covered product''; and

(III) in subparagraph (D), in the matter following clause (ii), by inserting '', in the case of a debarment relating to a drug,'' before ''protects''; and

(C) in subsection (l)(2), in the second sentence, by striking ''(b)(2)(B)'' and inserting ''(b)(2)(B), subsection (b)(4),''.

(2) CIVIL PENALTIES.—Paragraphs (6) and (7) of section 307(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335b(a)) are amended by striking ''306'' and inserting ''306 (except section 306(b)(4))''.

SEC. 203. INCREASED ENFORCEMENT TO IMPROVE THE SAFETY OF IMPORTED PRODUCTS.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''SEC. 712. POSITIONS TO IMPROVE THE SAFETY OF IMPORTED PRODUCTS.

''There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2003 to enable the Commissioner, in carrying out chapters IV and VIII, to decrease the health risks associated with imported covered products through the creation of additional employment positions for laboratory, inspection, and compliance personnel.''.

TITLE III—IMPROVEMENTS TO PUBLIC HEALTH INFRASTRUCTURE AND AWARENESS

SEC. 301. IMPROVEMENTS.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''PART C—PUBLIC HEALTH INFRASTRUCTURE AND AWARENESS

''SEC. 251. DEFINITIONS.

''In this part:

''(1) COVERED PRODUCT.—The term 'covered product' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention.

''SEC. 252. PUBLIC HEALTH SURVEILLANCE ENHANCEMENT.

''(a) IN GENERAL.—The Secretary may—

''(1) make grants to, enter into cooperative agreements with, and provide technical assistance to eligible agencies to enable the agencies to enhance their capacity to carry out activities relating to surveillance and prevention of pathogen-related disease borne in a covered product, particularly pathogen-related disease associated with imported covered products, as described in subsection (b)(1); and

''(2) carry out the activities described in subsection (b)(2).

''(b) USE OF ASSISTANCE.—

''(1) AGENCIES.—An eligible agency that receives assistance under subsection (a) shall use the assistance to enhance the capacity of the agency—

''(A) to identify, investigate, and contain threats of pathogen-related disease borne in a covered product, particularly pathogen-related disease associated with imported covered products; and

''(B) to conduct additional surveillance and studies to address prevention and control of the disease.

''(2) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary may use not more than 30 percent of the funds appropriated to carry out this section—

''(A) to assist an agency described in paragraph (1) in enhancing the capacity described in paragraph (1) by providing standards, technologies, information, materials, and other resources; and

''(B) to enhance national surveillance systems, including the ability of domestic and international agencies and entities to respond to product safety issues associated with imported covered products that are identified through such systems.

''(c) ELIGIBLE AGENCIES.—To be eligible to receive assistance under subsection (a)(1), an agency shall be a State or local health department.

''(d) APPLICATION.—To be eligible to receive assistance under subsection (a)(1), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) 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. 253. PATHOGEN DETECTION RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary may conduct applied research, directly or by grant or contract, to develop new or improved methods for detecting and subtyping emerging pathogens (borne in covered products) in human specimens, covered products, and relevant environmental samples. The Secretary may use funds appropriated to carry out this section to support applied research by State health departments or institutions of higher education.

''(b) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) 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. 254. TRAINING, EDUCATION, AND PUBLIC INFORMATION.

''(a) IN GENERAL.—The Secretary may—

''(1) make grants and enter into contracts with eligible entities, to support training activities and other collaborative activities with the entities to inform health professionals about disease borne in covered products, including strengthening training networks serving State, local, and private entities; and

''(2) increase and improve the activities carried out by the Centers for Disease Control and Prevention to provide information to the public on disease borne in covered products.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall be a medical school, a nursing school, an entity carrying out clinical laboratory training programs, a school of public health, another institution of higher education, a professional organization, or an international organization.

''(c) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with Federal, State, and local agencies, international organizations, and other interested parties.

''(e) 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. 255. INTERNATIONAL PUBLIC HEALTH TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall, directly or by agreement, provide training and technical assistance to agencies and entities in foreign countries, to strengthen the surveillance and investigation capacities of the agencies and entities relating to disease borne in covered products, including establishing or expanding activities or programs such as the Field Epidemiology and Training Program of the Centers for Disease Control and Prevention.

''(b) APPLICATION.—To be eligible to enter into an agreement under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) 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. 256. SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

''(a) IN GENERAL.—On the request of a recipient of assistance under section 252, 253, 254, or 255, the Secretary may, subject to subsection (b), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the section involved and, for such purpose, may detail to the grant recipient any officer or employee of the Department of Health and Human Services. Such detail shall be without interruption or loss of civil service status or privilege.

''(b) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in subsection (a), the Secretary shall reduce the amount of payments under the section involved by an amount equal to the cost of detailing the officer or employee and the fair market value of the supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such a request, expend the amounts withheld.''.

SUMMARY OF IMPORTED PRODUCTS SAFETY IMPROVEMENT AND DISEASE PREVENTION ACT OF 2000

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Imported Products Safety Act of 2000—Title I: Improvements to the Product Safety Import System—Amends the Federal Food, Drug, and Cosmetic Act to require imported covered products to be prepared, packed, and held under a system meeting the requirements of such Act, or determined by the Secretary of Health and Human Services (Secretary) to be equivalent to domestic requirements. (''Covered product'' means a food as defined under Section 201(f) of the Act and that is not a dietary supplement.) Directs the Secretary to: (1) develop an implementation plan; and (2) conduct overseas covered product system evaluations.

Directs the Secretary to establish, for use by the Secretary of the Treasury, a system to deny the entry of imported covered products from a specific area, producer, manufacturer, or transporter into the United States that: (1) has been repeatedly adulterated or associated with repeated outbreaks of foodborne disease, presents a health danger, and is likely without systematic changes to cause disease or be adulterated again; or (2) in an emergency determination, has been strongly associated with a serious outbreak of foodborne disease.

Makes a conforming amendment to the Public Health Service Act.

(Sec. 102) Deems as adulterated an imported (of offered for import) covered product: (1) withheld for review that is distributed prior to the Secretary's authorization of distribution; (2) ordered to be held in secure storage prior to distribution that is not so held; (3) required to be destroyed that is not so destroyed; (4) previously denied admission that is subsequently offered for admission without a showing of appropriate compliance (port shopping); or (5) owned or consigned by a debarred person.

Authorizes the Secretary to: (1) prohibit distribution of an imported covered product until the Secretary so authorizes; (2) prohibit distribution and require the secure storage of an imported covered product if the importer, owner, or consignee of such product is a person against whom the Secretary of the Treasury has assessed certain liquidated damages for failure to redeliver covered products subject to a bond; (3) order dangerous imported covered products to be destroyed; and (4) require marking of refused entry (but not ordered destroyed) covered product until brought into appropriate compliance. Deems as misbranded a covered product refused entry that is not so marked.

(Sec. 108) Shortens the period before a refused entry article which is not exported shall be destroyed.

(Sec. 109) Authorizes the Secretary to provide for the collection and analysis of imported covered products by entities other than the Food and Drug Administration.

Title II: Enforcement and Penalties for Importing Contaminated Food—Amends the Federal Food, Drug, and Cosmetic Act to establish bonding requirements for persons involved in prior importing of adulterated or misbranded covered products.

(Sec. 202) Authorizes the Secretary to debar a person from importing covered products into the United States for covered product import-related repeat or felony activities.

(Sec. 203) Authorizes appropriations for additional Food and Drug Administration laboratory, inspection, and compliance personnel.

Title III: Improvements to Public Health Infrastructure and Awareness—Amends the Public Health Service Act to authorize the Secretary, through the Centers for Disease Control and Prevention, to make grants to, enter into contracts with, and provide technical assistance to State and local health entities for enhanced surveillance and prevention of foodborne disease, particularly related to imported covered products. Authorizes appropriations.

Authorizes the Secretary, with respect to foodborne disease, to: (1) conduct pathogen detection research and development; and (2) provide for training, education, and public information. Authorizes appropriations.

Directs the Secretary to provide related international public health training and technical assistance. Authorizes appropriations.

Mr. KENNEDY. I am reintroducing this important bill because of the seriousness of the problem it addresses and to spur this Congress to take action. I commend Senator MIKULSKI for her continued leadership on this legislation to close the critical gaps in our imported food safety laws.

Citizens deserve to know that the foods they eat are safe and wholesome, regardless of their source. The United States has one of the safest food supplies in the world. Yet, every year, millions of Americans become sick, and thousands die, from eating contaminated food. Food-borne illnesses cause billions of dollars a year in medical costs and lost productivity. Often, the source of the problem is imported food.

The number of reports in the press of illnesses caused by eating contaminated imported foods has grown steadily over the past few years.

For example, in 1997, school children in five states contracted Hepatitis A from frozen strawberries served in the school cafeterias. Fecal contamination is a potential source of Hepatitis A, and the strawberries the children ate came from a farm in Mexico where workers had little access to sanitary facilities.

Earlier this year, cases of typhoid fever in Florida were linked to a frozen tropical fruit product from Guatemala. Again, poor sanitary conditions appear to be at the root of the problem.

Gastrointestinal illness has been linked to soft cheeses from Europe. Bacterial food poisoning has been attributed to canned mushrooms from the Far East.

The emergence of highly virulent strains of bacteria, and an increase in the number of organisms that are resistant to antibiotics, make microbial contamination of food a major public health challenge.

Ensuring the safety of imported food is a huge task. Americans now enjoy a wide variety of foods from around the world and have access to fresh fruits and vegetables year round. In 1997, the Food Safety Inspection Service of the Department of Agriculture handled 118,000 entries of imported meat and poultry. The FDA handled far more—2.7 million entries of other imported food. Current FDA procedures and resources allowed for less than two percent of those 2.7 million imports to be physically inspected. Clearly, we need to do better.

The FDA lacks sufficient authority to prevent contaminated food imports from reaching our shores. The agency has no legal authority to require that food imported into the United States has been prepared, packed and stored under conditions that provide the same level of public health protection as similar food produced in the United States. Under current procedures, the FDA takes random samples of imports as they arrive at the border. The imports often continue on their way to stores in all parts of the country while testing is being done, and it is often

difficult to recall the food if a problem is found. Unscrupulous importers make the most of the loopholes in the law, including substituting cargo, falsifying laboratory results, and attempting to bring a refused shipment in again, at a later date or at a different port.

The legislation we are reintroducing today will give the Secretary of Health and Human Services the additional authority needed to assure that food imports are as safe as food grown and prepared in this country.

It will give the FDA greater authority to deal with outbreaks of foodborne illness and to bar further imports of dangerous foods until improvements at the source can guarantee the safety of future shipments. This authority covers foods that have repeatedly been associated with food-borne disease, have repeatedly been found to be adulterated, or have been linked to a catastrophic outbreak of food-borne illness.

The legislation will also close loopholes in the law and give the FDA better tools to deal with unscrupulous importers.

In addition, the legislation will authorize the Centers for Disease Control and Prevention to target resources toward enhanced surveillance and prevention activities to deal with foodborne illnesses, including new diagnostic tests, better training of health professionals, and increased public awareness about food safety.

Too many citizens today are at unnecessary risk of food-borne illness. The measure we are proposing is designed to reduce that risk as much as possible, both immediately and for the long term. We know that there are powerful special interests that put profits ahead of safety. But Americans need and deserve laws that better protect their food supply. This is essential legislation, and I look forward to working with my colleagues to see that it is enacted as soon as possible.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. CAMPBELL) 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. 656

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Jersey (Mr. TORRICELLI) 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. 801

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1110

At the request of Mr. LOTT, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mr. HELMS) were added as cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 1851

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Washington (Mr. GORTON) 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. 2045

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2083

At the request of Mr. ROBB, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2083, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in

commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2225

At the request of Mr. GRASSLEY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2225, a bill to amend the Internal Revenue Code for 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 2293

At the request of Mr. EDWARDS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina (Mr. EDWARDS) 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. 2330

At the request of Mr. ROTH, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor 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. 2363

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2365

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors 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. 2397

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2397, a bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military recruiting purposes; and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Kansas (Mr. BROWNBACK) 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. 2458

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2458, a bill to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building.''

S. 2460

At the request of Mr. FEINGOLD, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2460, a bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2519

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2519, a bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes.

S. 2524

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2524, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis.

S. 2546

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2546, a bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether, to provide flexibility within the oxygenate requirement of the reformulated gasoline program of the Environmental Protection Agency, to promote the use of renewable ethanol, and for other purposes.

S. 2585

At the request of Mr. GRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2587

At the request of Mr. NICKLES, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2587, a bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires.

S. 2600

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2600, a bill to amend title XVIII of the Social Security Act to make enhancements to the critical access hospital program under the medicare program.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of 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.

S. 2669

At the request of Mr. WARNER, the names of the Senator from Arkansas

(Mr. HUTCHINSON), the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. INHOFE), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 2669, a bill to amend title 10, United States Code, to extend to persons over age 64 eligibility for medical care under CHAMPUS and TRICARE; to extend the TRICARE Senior Prime demonstration program in conjunction with the extension of eligibility under CHAMPUS and TRICARE to such persons, and for other purposes.

S. CON. RES. 105

At the request of Mr. ABRAHAM, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Con. Res. 105, a concurrent resolution designating April 13, 2000, as a day of remembrance of the victims of the Katyn Forest massacre.

S. CON. RES. 113

At the request of Mr. MOYNIHAN, the name of the Senator from Utah (Mr. BENNETT) 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.

SENATE RESOLUTION 317—A RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO CONGRATULATE AND THANK THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO PARTICIPATED IN THE JUNE 6, 1944, D-DAY INVASION OF EUROPE FOR FOREVER CHANGING THE COURSE OF HISTORY BY HELPING BRING AN END TO WORLD WAR II

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 317

Whereas General George C. Marshall, President Roosevelt's chief of staff, appointed General Dwight D. Eisenhower, to the war plans division of the United States Army in December 1941 and commissioned General Eisenhower to design an operational scheme for Allied victory in World War II;

Whereas in January 1943, the plan was adopted and given the code name Operation ''Overlord'';

Whereas the June 6, 1944, invasion of Europe, commonly known as ''the D-Day invasion'', was the largest single assault in the most massive military conflict in history;

Whereas participants in that invasion included 156,000 British, Canadian, and United States servicemembers and approximately 30,000 vehicles and 600,000 tons of supplies, and those servicemembers, backed by paratroopers and bombers, stormed a 50-mile stretch of beach in Normandy, France;

Whereas on June 6, 1944, D-Day, and in the seven months that followed, approximately 3,500,000 British, Canadian, and United States servicemembers embarked for Europe from Southampton, England;

Whereas approximately 31,000 United States servicemembers and more than 3,000 vehicles embarked for the D-Day invasion on 208 vessels at Weymouth and Portland, England;

Whereas between 15,000 and 20,000 tons of bombs were dropped in support of the D-Day invasion in the 24 hours between the night of June 5 and the night of June 6, 1944;

Whereas landing forces in the D-Day invasion were compelled to cross more than 200 yards of treacherous beach blanketed by mines, heavy machine-gun fire, and rifle fire;

Whereas the D-Day invasion was supported by more than 13,000 fighter, bomber, and transport aircraft, against which the German Air Force, the Luftwaffe, was able to deploy fewer than 400 aircraft of all types;

Whereas by June 11, 1944, the invasion force had established a bridgehead 50 miles wide and 12 miles deep, into which were landed 326,547 men, 54,186 vehicles, and 104,428 tons of supplies;

Whereas of the 156,000 British, Canadian, and United States servicemembers who took part in the initial D-Day invasion landings, 10,000 were casualties on the first day of the invasion;

Whereas total United States casualties on D-Day numbered 6,303, including 2,499 casualties among members of two airborne divisions participating in the invasion;

Whereas those casualties included 1,465 killed in action, 3,184 wounded in action, 1,928 missing in action, and 26 prisoners of war;

Whereas the success of the D-Day invasion was responsible for starting the liberation of occupied Europe from Nazi Germany and marked the beginning of the end of World War II; and

Whereas of the approximately living 25,000,000 United States veterans, approximately 1,500 die each day of whom two-thirds are veterans of World War II: Now, therefore, be it

Resolved, That it is the sense of the Senate to congratulate and thank the members of the United States Armed Forces who participated in the June 6, 1944, D-Day invasion of Europe for forever changing the course of history by helping bring an end to World War II.

● Ms. LANDRIEU. Mr. President, I rise today to honor the thousands of America, British, Canadian, and French veterans of the greatest amphibious invasion in military history. On June 6, 1944, the D-Day Allied Expeditionary Force included 150,000 troops, 1,500 tanks, 5,300 ships and landing craft, 12,000 airplanes, and 20,000 airborne troops. Ultimately, their task was to establish a western foothold on the European continent, and commence an overwhelming thrust against France's Nazi occupiers. General Dwight D. Eisenhower was convinced that launching Operation Overlord would hasten the end to World War II, as he stated on D-Day morning to his American troops, ''In company with our brave Allies and brothers-in-arms on other Fronts you will bring about the destruction of the German war machine, the elimination of Nazi tyranny over oppressed peoples in Europe, and security for ourselves in a free world.''

The invasion of Normandy far surpassed its goals, accomplishing four monumental tasks: it initiated the liberation of France and dismantlement of the Nazi Third Reich, established a critical milestone in military strategic history, inaugurated an era of American preeminence, and, ultimately, made the world safe for democracy. But victory could not be achieved without any cost. By the end of D-Day, U.S. forces, including two deployed airborne divisions, suffered 6,603 casualties, with 1,465 killed, 3,184 wounded, and 1,928 missing in action. To these men who paid the ultimate price for our freedom, the world owes an incalculable measure of gratitude. Today, the people of the United States salute their memory, and continue honoring the courageous service of other D-Day veterans, like the senior senator from South Carolina, who risked similar fates in southern France.

Now, 56 years after the first Higgins Landing Craft beached on the Normandy shores, our country's first National D-Day Museum will open in my hometown of New Orleans. Built in the heart of Downtown, this institution will not only commemorate an awesome military success, but exhibit the unified vision of a nation's political, strategic, and industrial leaders. From the formulation of Operation Overlord to innovations in amphibious technology, every aspect of war-planning and implementation will be on display; contributors to our victory from various sectors of society will be studied—the decision-makers, the war tacticians, the equipment manufacturers, and the Americans in uniform. Esteemed political scientist, Stephen Ambrose has dedicated this museum to the American Spirit, the teamwork, optimism, courage and sacrifice of the men and women who won World War II. As they embarked on their ''Great Crusade,'' Eisenhower reminded America's soldiers that ''the eyes of the world are upon you.'' Well, today I say to the veterans of Normandy that the hopes and prayers of liberty-loving people everywhere continue to march with you. Forever embodied in the National D-Day Museum, we have distinguished one of America's finest generations with an indelible place in our country's history, sustaining a promising legacy for our country's future generations.●

SENATE RESOLUTION 318—HONORING THE 129 SAILORS AND CIVILIANS LOST ABOARD THE U.S.S. ''THRESHER'' (SSN 593) ON APRIL 10, 1963; EXTENDING THE GRATITUDE OF THE NATION FOR THEIR LAST, FULL MEASURE OF DEVOTION; AND ACKNOWLEDGING THE CONTRIBUTIONS OF THE NAVAL SUBMARINE SERVICE AND THE PORTSMOUTH NAVAL SHIPYARD TO THE DEFENSE OF THE NATION

Ms. SNOWE (for herself, Mr. SMITH of New Hampshire, Mr. GREGG, Ms. COLLINS, Mr. WARNER, Mr. ROBB, Mr. SESSIONS, Mr. LEVIN, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 318

Whereas this is the 100th year of service to the people of the United States by the United States Navy submarine force, the ''Silent Service'';

Whereas this is the 200th year of service to the Nation of the Portsmouth Naval Shipyard;

Whereas Portsmouth Naval Shipyard launched the first Navy built submarine, the L–8, on April 23, 1917;

Whereas 52 years and 133 submarines later, on November 11, 1969, Portsmouth Naval Shipyard launched the last submarine built by the Navy, the U.S.S. Sand Lance;

Whereas the U.S.S. Thresher was launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the U.S.S. Thresher departed Portsmouth Naval Shipyard on April 9, 1963, with a crew of 129 composed of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:45 a.m. on April 10, 1963, at a location near 41.46 degrees North latitude and 65.03 degrees West longitude, the U.S.S. Thresher began her final mission;

Whereas the U.S.S. Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of that submarine, there arose the SUBSAFE program which has kept America's submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the U.S.S. Thresher, there arose in our Nation's universities the ocean engineering curricula that enables America's preeminence in submarine warfare; and

Whereas the ''last full measure of devotion'' shown by the crew of the U.S.S. Thresher characterizes the sacrifice of all submariners, past and present, military and civilian, in the service of this Nation: Now, therefore, be it

Resolved, That the Senate—

(1) remembers with profound sorrow the loss of the U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963;

(2) expresses its deepest gratitude to all submariners on ''eternal patrol'', forever bound together by their dedicated and honorable service to the United States of America;

(3) recognizes with appreciation and respect the commitment and sacrifices made by the Naval Submarine Service for the past 100 years in providing for the common defense of the United States; and

(4) offers its admiration and gratitude for the workers of the Portsmouth Naval Shipyard whose 200 years of dedicated service to the United States Navy has contributed directly to the greatness and freedom of the United States.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard who shall accept this resolution on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

Ms. SNOWE. Mr. President, I rise today to introduce a resolution that recognizes the contributions and sacrifices to our nation's defense provided by the men and women of the United States Naval Submarine Service and the Portsmouth Naval Shipyard at Kittery, Maine, and to specifically recognize that ''last full measure of devotion'' shown by the crew of the USS *Thresher* on April 10, 1963.

As you are aware, this year the U.S. Navy is celebrating the 100th year of service to our country by the Naval Submarine Service. From the acquisition of its first submarine, the USS *Holland*, in April 1900 to the present day, the U.S. Naval Submarine Service has served America bravely, gallantly, and steadfastly. We are all aware of the debt we owe the Submarine Service for their role in World War II when, in the immediate dark days after the attack on Pearl Harbor, the ''Silent Service'' took the war to the enemy. Although they lost 52 submarines and more than 3,500 submariners, they accounted for 55 percent of all enemy ships lost and significantly contributed to the final victory in the Pacific. Since that time the Submarine Service has continued to protect the nation through its deterrence patrols and many other missions. In just the past few years the ability of our submarines to provide a stealthy, land-attack capability in support of operations in the Persian Gulf and in Kosovo has proven once again that their adaptability and capability are vital to the security interests of this nation.

A significant supporter of the Submarine Service for the past 100 years and this nation for the past 200 years has been the Portsmouth Naval Shipyard in Kittery, Maine. Beginning in 1800, the shipyard provided the U.S. Navy with ''ships of the line'' and during the War of 1812 it became a Navy command. But it is the shipyard's contributions to the Submarine Service that I want to talk about here today.

In April 1917, the first submarine built in a government shipyard, the *L–8*, was launched at the Portsmouth Naval Shipyard and in the ensuing 52 years, the shipyard launched another 133 submarines, including a record 31 in 1944 alone. In November 1971, the last submarine built in a government yard, the USS *Sand Lance*, was launched at Portsmouth before they took on their new role to overhaul, repair, and refuel nuclear submarines. But during their 52 years of building submarines Portsmouth delivered many firsts to the Submarine Service: First U.S. submarine built with an all-welded steel hull—the *Snapper*; first U.S. submarine built of high tensile steel—the *Balao*; first snorkel installed in a U.S. submarine—the *Irex*; first truly submersible hull developed using dirigible form, a breakthrough in hydrodynamic design—the *Albacore*; and the first nuclear powered submarine built in a government shipyard—the *Swordfish*.

But the shipyard and the Submarine Service could not have accomplished these important contributions to our nation's security without the unfailing valor and unselfish service of the submarine crews and shipyard workers that put them to sea. Perhaps there is no greater example of our American virtue of standing together for the common defense than the story of the USS *Thresher*, a nuclear submarine launched at Portsmouth Naval Shipyard on July 9, 1960.

When she was launched the *Thresher* represented a new class of submarine for the Navy. The *Thresher*-class was designed to be the world's first modern, quiet, deep-diving fast-attack submarine. Some of her innovative features included machinery rafts for sound silencing, a large bow-mounted sonar, torpedo tubes amidships and a hydrodynamically streamlined hull. After two and a half years of trials, evaluations, and the development of new fast-attack tactics, the *Thresher* returned to her home yard. On April 9, 1963, she got underway for a series of deep-diving trials to be held about 220 nautical miles east of Cape Cod. On board was a crew of 129 made up of sailors, officers, Portsmouth Naval Shipyard workers and contractors. Shortly after beginning her dive, something went horribly wrong and the *Thresher* and all 129 souls on board were lost at sea.

But another example of our American character is the drive to create success from adversity and from the loss of the *Thresher* came two initiatives that have permitted the Submarine Service to gain unchallenged preeminence in undersea warfare.

First was the implementation of the SubSafe program. This standard dictates that every submarine, every hull integrity-related system and every pressure-related part within those systems must be 100 percent certified safe for use aboard the submarine. And since that time, no submarine has been lost because of a similar casualty.

Second, a recommendation by the Deep Submergence Systems Review Group, which looked into the cause of the tragedy, was that a curriculum be established to train engineers to design and develop systems specifically for use in the ocean environment—the discipline of ocean engineering. Since that time ocean engineering programs have been established in Florida, Rhode Island, Massachusetts, Texas, Virginia, Hawaii and the Naval Academy. From these programs have come the engineers who have designed and developed the *Los Angeles*, the *Ohio*, the *Seawolf* and the *Virgnia*-classes of submarines. Engineers like retired Admiral Millard Firebaugh, a former ship superintendent at the Portsmouth Naval Shipyard, who earned a doctorate of science degree in Ocean Engineering from MIT and went on to become the program manager for the design and construction of the *Seawolf*.

We in this nation owe a great debt to the 129 crewmen of the USS *Thresher*, to all who have served aboard submarines over the past 100 years and to the civilians who have accepted the risk and sacrified alongside their submarine shipmates. When I learned that there had never been a resolution passed in this body acknowledging the loss of this gallant crew and expressing our gratitude for their sacrifice, I believed that in this 100th year of the Submarine Service and the 200th year of their home yard, the Portsmouth

Naval Shipyard, it was entirely appropriate and timely of us to do so.

I therefore ask unanimous consent that an enrolled copy be transmitted to and accepted by the commanding officer of Portsmouth Naval Shipyard on behalf of the families and shipmates of the crew of the *USS Thresher,* the crews of the Naval Submarine Service and the workers of the Portsmouth Naval Shipyard.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 120—TO EXPRESS THE SENSE OF CONGRESS REGARDING THE NEED TO PASS LEGISLATION TO INCREASE PENALTIES ON PERPETRATORS OF HATE CRIMES

Mr. ROBB (for himself, Mr. REID, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 120

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work, and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against persons because of their race, color, religion, national origin, gender, sexual orientation, or disability undermine the fundamental values of our Nation;

Whereas hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be stopped from spreading violence: : Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress—

(1) needs to pass legislation that amends the Federal criminal code to set penalties for persons who commit acts of violence against other persons because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person;

(2) condemns the culture of hate and the hate groups that foster such violent acts;

(3) commends the communities throughout our Nation that are united in condemning such acts of hate in their neighborhoods;

(4) commends the efforts of Federal, State, and local law enforcement officials; and

(5) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, color, religion, national origin, gender, sexual orientation, or disability.

Mr. ROBB. Mr. President, I rise to introduce a concurrent resolution urging Congress to enact meaningful hate crimes legislation. Today marks the sad second anniversary of the killing of James Byrd, Jr., the victim of a vicious hate crime in Texas. Mr. Byrd, a 49-year-old African-American man, was dragged for approximately two miles while chained to the back of a pickup truck by his white assailants. As a result of this brutal attack, Mr. Byrd's head and right arm were severed from his body.

Reflecting on this terrible act of deep hatred against the dignity of a human being should strengthen our resolve to combat acts of bias in our society. We will not get to where we need to go in this country until we have eradicated the discriminatory hatred that lies in some people's hearts. While we cannot legislate away the prejudice in a person's heart or soul, we can certainly punish those who act upon their feelings of hatred and commit acts of utter brutality. Hate crimes tear at the very fabric of American society and often scar, not just the victims, but the families and communities involved as well. Those who harbor hatred must know that America will punish them for their actions and that we will not tolerate their acts of inhumanity.

Our Nation is composed of a great diversity that contributes to our economic and educational preeminence in the world. We will never achieve all that our Nation is capable of accomplishing unless we are united in addressing the scourge of prejudice and hate crimes in our society. The Congress can lead on this issue by enacting comprehensive legislation, such as the Hate Crimes Prevention Act, that expands existing hate crimes law. Not only should those who are victimized by hate crimes because of their gender, sexual orientation, or disability be afforded access to appropriate justice, but we as a Nation should also pursue swift and serious punishment against violent hate-mongers to send a message that we will not tolerate their hate.

Today, I join with colleagues from both the Senate and the House to introduce this concurrent resolution and spur action to combat the crimes motivated by bias which continue to shock the conscience of our civil society. Federal hate crimes legislation provides another avenue for prosecuting the perpetrators of violent hate, and I look forward to enacting a comprehensive Federal hate crimes statute. I am confident that our abhorrence of hate crimes will move the Congress to action.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

JOHNSON (AND OTHERS) AMENDMENT NO. 3191

Mr. JOHNSON (for himself, Mr. MCCAIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. REID, Mr. JEFFORDS, Mr. DORGAN, Mr. ROBB, AND Mr. WELLSTONE) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 241, strike line 17 and all that follows through page 243, line 19, and insert the following:

SEC. 703. HEALTH CARE FOR MILITARY RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to ''space available'' health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of ''space available'' services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

(b) COVERAGE OF MILITARY RETIREES UNDER FEHBP.—

(1) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8905, by adding at the end the following new subsection:

''(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual.''; and

(B) in section 8906(b)—

(i) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2) through (5)''; and

(ii) by adding at the end the following new paragraph:

''(5) In the case of an employee described in section 8905(h) or the surviving widow or

widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.''.

(2) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(A) Section 1108 of title 10, United States Code, is amended to read as follows:

''§ 1108. Health care coverage through Federal Employees Health Benefits program

''(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title;

''(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

''(C) an individual who is—

''(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

''(ii) a member of family as defined in section 8901(5) of title 5; or

''(D) an individual who is—

''(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

''(ii) a member of family as defined in section 8901(5) of title 5.

''(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

''(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

''(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

''(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

''(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

''(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

''(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.''.

(B) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

''1108. Health care coverage through Federal Employees Health Benefits program.''.

(C) The amendments made by this paragraph shall take effect on January 1, 2001.

(c) EXTENSION OF COVERAGE OF CHAMPUS.—Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''Except as provided in subsection (d), the'', and inserting ''The'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

KERREY AMENDMENT NO. 3192

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 200, following line 23, add the following:

SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting ''prepare for and'' before ''participate''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) prepare for and participate in qualifying athletic competitions.''.

(b) CONDUCT OF COMPETITIONS.—That section is further amended by adding at the end the following new subsection:

''(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).''.

(c) AVAILABILITY OF FUNDS.—That section is further amended by adding at the end the following new subsection:

''(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.''.

(d) QUALIFYING ATHLETIC COMPETITIONS DEFINED.—That section is further amended by adding at the end the following new subsection:

''(e) In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

''§ 504. National Guard schools; small arms competitions; athletic competitions''.

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

''504. National Guard schools; small arms competitions; athletic competitions.''.

BINGAMAN AMENDMENTS NOS. 3193–3195

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3193

At the end of title X, insert the following:

SEC. 10___. CONGRESSIONAL MEDALS FOR NAVAJO CODE TALKERS.

(a) FINDINGS.—Congress finds that—

(1) on December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress on the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Japanese, and a search was made by United States Intelligence to develop new means to counter the enemy;

(3) the United States Government called upon the Navajo Nation to support the military effort by recruiting and enlisting 29 Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistees later increased to more than 350;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the ''Navajo Code Talkers'', were used to develop a code using their native language to communicate military messages in the Pacific;

(7) to the enemy's frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed more than 800 error-free messages in a 48-hour period;

(10) use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo Code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo Code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b) CONGRESSIONAL MEDALS AUTHORIZED.—To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(1) to award to each of the original 29 Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(2) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(c) DESIGN AND STRIKING.—For purposes of the awards authorized by subsection (b), the Secretary of the Treasury (in this section referred to as the ''Secretary'') shall strike gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

(f) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, not more than $30,000, to pay for the costs of the medals authorized by this section.

(g) PROCEEDS OF SALE.—Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

AMENDMENT NO. 3194

On page 236, between lines 6 and 7, insert the following:

SEC. 646. EQUITABLE APPLICATION OF EARLY RETIREMENT ELIGIBILITY REQUIREMENTS TO MILITARY RESERVE TECHNICIANS.

(a) TECHNICIANS COVERED BY FERS.—Paragraph (1) of section 8414(c) of title 5, United States Code, is amended by striking ''after becoming 50 years of age and completing 25 years of service'' and inserting ''after completing 25 years of service or after becoming 50 years of age and completing 20 years of service''.

(b) TECHNICIANS COVERED BY CSRS.—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(p) Section 8414(c) of this title applies—

''(1) under paragraph (1) of such section to a military reserve technician described in that paragraph for purposes of determining entitlement to an annuity under this subchapter; and

''(2) under paragraph (2) of such section to a military technician (dual status) described in that paragraph for purposes of determining entitlement to an annuity under this subchapter.''.

(c) TECHNICAL AMENDMENT.—Section 1109(a)(2) of Public Law 105–261 (112 Stat. 2143) is amended by striking ''adding at the end'' and inserting ''inserting after subsection (n)''.

(d) APPLICABILITY.—Subsection (c) of section 8414 of such title (as amended by subsection (a)), and subsection (p) of section 8336 of title 5, United States Code (as added by subsection (b)), shall apply according to the provisions thereof with respect to separations from service referred to in such subsections that occur on or after October 5, 1999.

AMENDMENT NO. 3195

On page 53, after line 23, add the following:

SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting '', and is encouraged to provide,'' after ''may provide'';

(2) in paragraph (1), by inserting before the semicolon the following: ''for any purpose and duration in support of such agreement that the director considers appropriate''; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature of type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement;''.

(b) DEFENSE LABORATORY DEFINED.—Subsection (e) of that section is amended to read as follows:

''(e) In this section:

''(1) The term 'defense laboratory' means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

''(2) The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).''.

BINGAMAN (AND MURRAY) AMENDMENT NO. 3196

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL HONORS DUTY.

(a) INCAPACITATION PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(C) by adding at the end the following:

''(E) in line of duty while—

''(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

''(ii) traveling to or from the place at which the duty was to be performed; or

''(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.''; and

(2) in subsection (h)(1)—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(C) by adding at the end the following:

''(E) in line of duty while—

''(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

''(ii) traveling to or from the place at which the duty was to be performed; or

''(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.''.

(b) TORT CLAIMS.—Section 2671 of title 28, United States Code, is amended by inserting ''115,'' in the second paragraph after ''members of the National Guard while engaged in training or duty under section''.

(c) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act.

MCCAIN (AND OTHERS) AMENDMENT NO. 3197

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. DEWINE, and Mr. WYDEN) submitted an amendment to be proposed by them to the bill, S. 2549, supra; as follows:

On page 530, after line 21, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 2003 AND 2005.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following new clauses (iv) and (v):

''(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress; and

''(v) by no later than March 15, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress.''; and

(B) in subparagraph (C), by striking ''or for 1995 in clause (iii) of such subparagraph'' and inserting '', for 1995 in clause (iii) of that subparagraph, for 2003 in clause (iv) of that subparagraph, or for 2005 in clause (v) of that subparagraph''.

(2) MEETINGS.—Subsection (e) of that section is amended by striking ''and 1995'' and inserting ''1995, 2003, and 2005''.

(3) STAFF.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking ''and 1994'' and inserting '', 1994, and 2004''.

(4) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

''(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003 or 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in either of those years such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.''.

(5) TERMINATION.—Subsection (l) of that section is amended by striking ''December 31, 1995'' and inserting ''December 31, 2005''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by striking ''and 1996,'' and inserting ''1996, 2004, and 2006,''.

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003 and 2005,'' after ''December 31, 1990,'';

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting ''and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003 and 2005,'' after ''February 15, 1991,''; and

(ii) in the second sentence, by inserting '', or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001'' after ''March 15, 1991''; and

(C) by adding at the end a new paragraph:

''(3) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall be based on the total cost and savings to the Federal Government that would result from the proposed closure or realignment of such military installation.''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking ''and March 1, 1995,'' and inserting ''March 1, 1995, March 14, 2003, and May 16, 2005,'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In making recommendations to the Commission under this subsection in any year after 1999, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

''(C) The recommendations made by the Secretary under this subsection in any year after 1999 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.''; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking ''paragraph (5)(B)'' and inserting ''paragraph (6)(B)''; and

(ii) in the second sentence, by striking ''24 hours'' and inserting ''48 hours''.

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting ''or by no later than July 7 in the case of recommendations in 2003, or no later than September 8 in the case of recommendations in 2005,'' after ''pursuant to subsection (c),'';

(B) in paragraph (4), by inserting ''or after July 7 in the case of recommendations in 2003, or after September 8 in the case of recommendations in 2005,'' after ''under this subsection,''; and

(C) in paragraph (5)(B), by inserting ''or by no later than June 7 in the case of such recommendations in 2003 and 2005,'' after ''such recommendations,''.

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''or by no later than July 22 in the case of recommendations in 2003, or no later than September 23 in the case of recommendations in 2005,'' after ''under subsection (d),'';

(B) in the second sentence of paragraph (3), by inserting ''or by no later than August 18 in the case of 2003, or no later than October 20 in the case of 2005,'' after ''the year concerned,''; and

(C) in paragraph (5), by inserting ''or by September 3 in the case of recommendations in 2003, or November 7 in the case of recommendations in 2005,'' after ''under this part,''.

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 1999 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;''.

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking ''December 31, 1995,'' and inserting ''December 31, 2005,''.

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking ''that date'' and inserting ''the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)''.

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting ''or realignment'' after ''closure'' each place it appears in the following provisions:

(i) Section 2905(b)(3).
(ii) Section 2905(b)(5).
(iii) Section 2905(b)(7)(B)(iv).
(iv) Section 2905(b)(7)(N).
(v) Section 2910(10)(B).

(B) That Act is further amended by inserting ''or realigned'' after ''closed'' each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).
(ii) Section 2905(b)(3)(D).
(iii) Section 2905(b)(3)(E).
(iv) Section 2905(b)(4)(A).
(v) Section 2905(b)(5)(A).
(vi) Section 2910(9).
(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting '', or realigned or to be realigned,'' after ''closed or to be closed''.

REID (AND OTHERS) AMENDMENT NO. 3198

(Ordered to lie on the table.)

Mr. REID (for himself, Mr. INOUYE, Ms. LANDRIEU, Mr. JOHNSON, Mr. DASCHLE, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION FOR RETIRED MEMBERS WITH SERVICE-CONNECTED DISABILITIES.

(a) CONCURRENT PAYMENT.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of paragraph (1) and section 5305 of this title, compensation under chapter 11 of this title may be paid to a person entitled to receive retired or retirement pay described in such section 5305 concurrently with such person's receipt of such retired or retirement pay.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and apply with respect to payments of compensation for months beginning on or after that date.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendment made by subsection (a) for any period before the effective date of this Act as specified in subsection (b).

BIDEN AMENDMENT NO. 3199

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill (S. 2549), supra; as follows:

At the appropriate place, insert the following:

DIVISION ___—VIOLENCE AGAINST WOMEN

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Violence Against Women Act II''.

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

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

(2) the term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

SEC. 3. ACCOUNTABILITY AND OVERSIGHT.

(a) REPORT BY GRANT RECIPIENTS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this Act or an amendment made by this Act to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) REPORT TO CONGRESS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall report annually to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding ''**AND ENFORCEMENT OF PROTECTION ORDERS**'' at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting ''(including juvenile courts)'' after ''courts''; and

(B) by adding at the end the following:

''(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.''; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''and'' at the end;

(ii) in paragraph (2), by striking the period at the end and inserting '', including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);''; and

(iii) by adding at the end the following:

''(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

''(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.''; and

(B) by adding at the end the following:

''(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.''.

(b) PROTECTION ORDERS.—

(1) FILING COSTS.—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

(A) in the heading, by striking ''**filing**'' and inserting ''**and protection orders**'' after ''**charges**'';

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or''; and

(ii) in paragraph (2)(B), by striking ''2 years'' and inserting ''2 years after the date of enactment of the Violence Against Women Act II''; and

(C) by adding at the end the following:

''(c) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.

(2) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

''(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.''; and

(B) by adding at the end the following:

''(d) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.

(3) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by inserting before the semicolon the following: ''or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act II''.

(4) REGISTRATION FOR PROTECTION ORDERS.—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

''(d) REGISTRATION.—

''(1) IN GENERAL.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

''(2) NO PRIOR REGISTRATION OR FILING REQUIRED.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

''(e) NOTICE.—A protection order that is otherwise consistent with this section shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

''(f) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction over domestic relations actions, including authority to enforce its orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe and in which at least 1 of the parties is an Indian.''.

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding ''AND ENFORCEMENT OF PROTECTION ORDERS'' at the end.

SEC. 102. ROLE OF COURTS.

(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking ''Indian tribal governments,'' and inserting ''State and local courts (including juvenile courts), Indian tribal governments, tribal courts,''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting '', judges, other court personnel,'' after ''law enforcement officers'';

(ii) in paragraph (2), by inserting '', judges, other court personnel,'' after ''law enforcement officers''; and

(iii) in paragraph (3), by inserting '', court,'' after ''police''; and

(2) in section 2002—

(A) in subsection (a), by inserting ''State and local courts (including juvenile courts),'' after ''States,'' the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) of the amount granted—

''(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

''(B) not less than 30 percent shall be allocated to victim services; and

''(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and''; and

(C) in subsection (d)(1), by inserting ''court,'' after ''law enforcement,''.

(b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting ''State and local courts (including juvenile courts), tribal courts,'' after ''Indian tribal governments,'';

(2) in subsection (b)—

(A) by inserting ''State and local courts (including juvenile courts),'' after ''Indian tribal governments'';

(B) in paragraph (2), by striking ''policies and'' and inserting ''policies, educational programs, and'';

(C) in paragraph (3), by inserting ''parole and probation officers,'' after ''prosecutors,''; and

(D) in paragraph (4), by inserting ''parole and probation officers,'' after ''prosecutors,'';

(3) in subsection (c), by inserting ''State and local courts (including juvenile courts),'' after ''Indian tribal governments''; and

(4) by adding at the end the following:

''(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

SEC. 103. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

''(18) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T $185,000,000 for each of fiscal years 2001 through 2005.''.

(b) GRANT PURPOSES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking ''racial, cultural, ethnic, and language minorities'' and inserting ''underserved populations'';

(ii) in paragraph (6), by striking ''and'' at the end;

(iii) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault and domestic violence.''; and

(B) by adding at the end the following:

''(c) STATE COALITION GRANTS.—

''(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

''(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—

''(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

''(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

''(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).'';

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) in paragraph (1), by striking ''4 percent'' and inserting ''5 percent'';

(C) in paragraph (4), as redesignated, by striking ''$500,000'' and inserting ''$600,000''; and

(D) by inserting after paragraph (1) the following:

''(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;

''(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;'';

(3) in section 2003—

(A) in paragraph (7), by striking ''geographic location'' and all that follows through ''physical disabilities'' and inserting ''race, ethnicity, age, disability, religion, alienage status, language barriers, geographic location (including rural isolation), and any other populations determined to be underserved''; and

(B) in paragraph (8), by striking ''assisting domestic violence or sexual assault victims through the legal process'' and inserting ''providing assistance for victims seeking necessary support services as a consequence of domestic violence or sexual assault''; and

(4) in section 2004(b)(3), by inserting '', and the membership of persons served in any underserved population'' before the semicolon.

SEC. 104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

''(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part U $65,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

(a) REAUTHORIZATION.—Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.''; and

(2) by adding at the end the following:

''(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.''.

SEC. 106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

"SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this subtitle $3,000,000 for each of fiscal years 2001 through 2005.''.

(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting ''and implement'' after ''improve''.

SEC. 107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) OFFENSES.—

''(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

''(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).''.

(b) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Interstate stalking

''Whoever—

''(1) with the intent to kill, injure, harass, or intimidate another person, engages within the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person; or

''(2) with the intent to kill, injure, harass, or intimidate another person, travels in interstate or foreign commerce, or enters or leaves Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person,

shall be punished as provided in section 2261(b).''.

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) OFFENSES.—

''(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

''(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

"§ 2266. Definitions

''In this chapter:

''(1) BODILY INJURY.—The term 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

''(2) ENTER OR LEAVE INDIAN COUNTRY.—The term 'enter or leave Indian country' includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

''(3) INDIAN COUNTRY.—The term 'Indian country' has the meaning stated in section 1151 of this title.

''(4) PROTECTION ORDER.—The term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

''(5) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning stated in section 2119(2).

''(6) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' includes—

''(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

''(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

''(7) STATE.—The term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

''(8) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term 'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.''.

SEC. 108. GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (f)(1), by inserting ''by a person with whom the victim has engaged in a social relationship of a romantic or intimate nature,'' after ''cohabited with the victim,''; and

(2) in subsection (g), by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''each of fiscal years 2001 through 2005''.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 201. LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) LEGAL ASSISTANCE FOR VICTIMS.—The term ''legal assistance'' includes assistance to victims of domestic violence, stalking, and sexual assault in family, criminal, immigration, administrative, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104–134.

(3) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) GRANT TO ESTABLISH DATABASE OF PROGRAMS THAT PROVIDE LEGAL ASSISTANCE TO VICTIMS.—

(1) IN GENERAL.—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault.

(2) DATABASE REQUIREMENTS.—A database established with a grant under this subsection shall be—

(A) designed to facilitate the referral of persons to programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault; and

(B) operated in coordination with the national domestic violence and sexual assault hotline established under section 316 of the Family Violence Prevention and Services Act.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $35,000,000 for each of fiscal years 2001 through 2005.

(2) ALLOCATION OF FUNDS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

SEC. 202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

(a) STATE SHELTER GRANTS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking ''populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation'' and inserting ''populations underserved because of race, ethnicity, age, disability, religion, alienage status, geographic location (including rural isolation), or language barriers, and any other populations determined by the Secretary to be underserved''.

(b) STATE MINIMUM; REALLOTMENT.—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking ''for grants to States for any fiscal year'' and all that follows and inserting the following: ''and available for grants to States under this subsection for any fiscal year—

''(1) Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

''(2) each State shall be allotted for payment in a grant authorized under section 303(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.'';

(2) in subsection (c), in the first sentence, by inserting ''and available'' before ''for grants''; and

(3) by adding at the end the following:

''(e) In subsection (a)(2), the term ''State'' does not include any jurisdiction specified in subsection (a)(1).''.

(c) SECRETARIAL RESPONSIBILITIES.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking ''an employee'' and inserting ''1 or more employees'';

(2) by striking ''of this title.'' and inserting ''of this title, including carrying out evaluation and monitoring under this title.''; and

(3) by striking ''The individual'' and inserting ''Any individual''.

(d) RESOURCE CENTERS.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) in subsection (a)(2), by inserting ''on providing information, training, and technical assistance'' after ''focusing''; and

(2) in subsection (c), by adding at the end the following:

''(8) Providing technical assistance and training to local entities carrying out domestic violence programs that provide shelter, related assistance, or transitional housing assistance.

''(9) Improving access to services, information, and training, concerning family violence, within Indian tribes and Indian tribal agencies.

''(10) Providing technical assistance and training to appropriate entities to improve access to services, information, and training concerning family violence occurring in underserved populations.''.

(e) CONFORMING AMENDMENT.—Section 309(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(6)) is amended by striking ''the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands'' and inserting ''the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States''.

(f) REAUTHORIZATION.—Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 2001 through 2005.

''(2) SOURCE OF FUNDS.—Amounts made available under paragraph (1) may be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).'';

(2) in subsection (b), by striking ''under subsection 303(a)'' and inserting ''under section 303(a)'';

(3) in subsection (c), by inserting ''not more than the lesser of $7,500,000 or'' before ''5''; and

(4) by adding at the end the following:

''(f) EVALUATION, MONITORING, AND ADMINISTRATION.—Of the amounts appropriated under subsection (a) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this title.''.

(g) STATE DOMESTIC VIOLENCE COALITION GRANT ACTIVITIES.—Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended—

(1) in subsection (a)(4), by striking ''underserved racial, ethnic or language-minority populations'' and inserting ''underserved populations described in section 303(a)(2)(C)''; and

(2) in subsection (c), by striking ''the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands'' and inserting ''the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States''.

SEC. 203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

''SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

''(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

''(2) for whom emergency shelter services are unavailable or insufficient.

''(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

''(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

''(2) short-term support services, including payment of expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related services.

''(c) TERM OF ASSISTANCE.—An individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

''(d) REPORTS.—

''(1) REPORT TO SECRETARY.—

''(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

''(B) CONTENTS.—Each report shall include information on—

''(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

''(ii) the number of months each individual or dependent received the assistance;

''(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

''(iv) the type of support services provided to each individual or dependent assisted under this section.

''(2) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

''(1) $25,000,000 for each of fiscal years 2001 through 2003; and

''(2) $30,000,000 for each of fiscal years 2004 and 2005.''.

SEC. 204. NATIONAL DOMESTIC VIOLENCE AND SEXUAL ASSAULT HOTLINE.

(a) REAUTHORIZATION.—Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $2,750,000 for each of fiscal years 2001 through 2005.''.

(b) DOMESTIC VIOLENCE AND SEXUAL ASSAULT.—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in the title of the section, by striking ''**national domestic violence hotline grant**'' and inserting ''**grant for national domestic violence and sexual assault hotline**'';

(2) in subsections (a), (d), and (e), by striking ''victims of domestic violence'' each place it appears and inserting ''victims of domestic violence or sexual assault'';

(3) in subsection (e)—

(A) in paragraph (2), by striking ''national domestic violence hotline'' and inserting ''national domestic violence and sexual assault hotline''; and

(B) in paragraph (3), by striking ''area of domestic violence'' and inserting ''area of domestic violence and sexual assault'';

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

''(f) REPORT BY GRANT RECIPIENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Act II, each recipient of a grant under this section shall prepare and submit to the Secretary a report that contains—

''(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

''(B) such other information as the Secretary may prescribe.

''(2) NOTICE AND PUBLIC COMMENT.—The Secretary shall—

''(A) publish in the Federal Register a copy of the report submitted by the recipient under this subsection; and

''(B) allow not less than 90 days for notice of and opportunity for public comment on the published report.''.

SEC. 205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended by striking ''(such as District of Columbia)—'' and all that follows and inserting ''(such as District of Columbia), $1,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) IN GENERAL.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

SEC. 207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

SEC. 208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 209. ENHANCING PROTECTIONS FOR OLDER WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) DEFINITION.—In this section, the term ''older individual'' has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

''(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as is defined in section 102 of the Older Americans Act of 1965) (42 U.S.C. 3002)).''.

(c) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001(b)—

(A) in paragraph (7) (as amended by section 103(b) of this Act), by striking ''and'' at the end;

(B) in paragraph (8) (as added by section 103(b) of this Act), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support and counseling services to such older individuals.''; and

(2) in section 2003(7) (as amended by section 103(b) of this Act), by inserting after ''any other populations determined to be underserved'' the following: '', and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence''.

(d) ENHANCING SERVICES FOR OLDER INDIVIDUALS IN SHELTERS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) (as amended by section 202(a)(1) of this Act) is amended by inserting after ''any other populations determined by the Secretary to be underserved'' the following: '', and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence''.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, or sexual assault.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

SEC. 302. REAUTHORIZATION OF RUNAWAY AND HOMELESS YOUTH GRANTS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking paragraph (4) and inserting the following:

''(4) PART E.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part E $22,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 303. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $12,000,000 for each of fiscal years 2001 through 2005.''.

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $2,300,000 for each of fiscal years 2001 through 2005.''.

(c) GRANTS FOR TELEVISED TESTIMONY.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

''(7) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part N $1,000,000 for each of fiscal years 2001 through 2005.''.

(d) DISSEMINATION OF INFORMATION.—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

SEC. 304. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

(a) IN GENERAL.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) SUFFICIENCY OF DEFENSES.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

(d) CONDITION FOR CUSTODY DETERMINATION.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking ''he'' and inserting ''the child, a sibling, or parent of the child''.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 401. EDUCATION AND TRAINING IN APPROPRIATE RESPONSES TO VIOLENCE AGAINST WOMEN.

(a) AUTHORITY.—The Secretary of Health and Human Services, in consultation with the Attorney General, may award grants in accordance with this section to public and private nonprofit entities that, in the determination of the Secretary, have—

(1) nationally recognized expertise in the areas of domestic violence and sexual assault; and

(2) a record of commitment and quality responses to reduce domestic violence and sexual assault.

(b) PURPOSE.—Grants under this section may be used for the purposes of developing, testing, presenting, and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and sexual assault (including, as appropriate, the effects of domestic violence on children) for individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment, including—

(1) caseworkers, supervisors, administrators, administrative law judges, and other individuals administering Federal and State benefits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, medicaid, unemployment, workers' compensation, and similar programs; and

(2) medical and health care professionals, including mental and behavioral health professionals such as psychologists, psychiatrists, social workers, therapists, counselors, and others.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 402. RAPE PREVENTION AND EDUCATION.

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

''SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

''(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

''(1) educational seminars;

''(2) the operation of hotlines;

''(3) training programs for professionals;

''(4) the preparation of informational material;

''(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

''(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

''(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section, $50,000,000 for each of fiscal years 2001 through 2005.

''(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of $1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

''(d) LIMITATIONS.—

''(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

''(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

''(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.''.

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

SEC. 403. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

SEC. 404. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) groups that provide services to individuals with disabilities;''; and

(2) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 405. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) IN GENERAL.—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled ''Understanding Violence Against Women'' of the National Academy of Sciences ; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) such sums as may be necessary to carry out this section.

TITLE V—BATTERED IMMIGRANT WOMEN

SEC. 501. SHORT TITLE.

This title may be cited as the ''Battered Immigrant Women Protection Act of 2000''.

SEC. 502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(50) The term 'intended spouse' means any alien who meets the criteria set forth in section 204(a)(3)(A)(ii) or 204(a)(4)(A)(ii).''.

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN'S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

''(iii) An alien who is described in paragraph (3) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

''(I) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

''(II) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.''.

(B) DESCRIPTION OF PROTECTED SPOUSE OR INTENDED SPOUSE.—Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by adding at the end the following:

''(3) For purposes of paragraph (1)(A)(iii), an alien described in this paragraph is an alien—

''(A)(i) who is the spouse of a citizen of the United States; or

''(ii)(I) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed; and

''(II) who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

''(iii) who was a bona fide spouse of a United States citizen within the past 2 years and—

''(I) whose spouse died within the past 2 years;

''(II) whose spouse lost or renounced citizenship status related to an incident of domestic violence; or

''(III) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the United States citizen spouse;

''(B) who is a person of good moral character;

''(C) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

''(D) who has resided with the alien's spouse or intended spouse.''.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

''(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.''.

(3) FILING OF PETITIONS.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(iv)) is amended by adding at the end the following:

''(v) An alien who is the spouse, intended spouse, or child of a United States citizen

living abroad and who is eligible to file a petition under clause (iii) or (iv) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (iii) or (iv).''.

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.—

(1) SELF-PETITIONING SPOUSES.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

''(ii) An alien who is described in paragraph (4) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

''(I) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

''(II) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.''.

(2) DESCRIPTION OF PROTECTED SPOUSE OR INTENDED SPOUSE.—Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154) (as amended by subsection (b)(1)(B) of this section) is amended by adding at the end the following:

''(4) For purposes of paragraph (1)(B)(ii), an alien described in this paragraph is an alien—

''(A)(i) who is the spouse of a lawful permanent resident of the United States; or

''(ii)(I) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed; and

''(II) who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

''(III) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

''(aa) whose spouse lost status due to an incident of domestic violence; or

''(bb) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the lawful permanent resident spouse;

''(B) who is a person of good moral character;

''(C) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

''(D) who has resided with the alien's spouse or intended spouse.''.

(3) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

''(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent. For purposes of this clause, residence includes any period of visitation.''.

(4) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

''(iv) An alien who is the spouse, intended spouse, or child of a lawful permanent resident living abroad is eligible to file a petition under clause (ii) or (iii) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (ii) or (iii).''.

(d) GOOD MORAL CHARACTER FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) Notwithstanding section 101(f), an act or conviction that qualifies for an exception or is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty. In making determinations under this paragraph, the Attorney General shall consider any credible evidence relevant to the determination.

''(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

''(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

''(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

''(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

''(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.''.

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting '', or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,'' after ''United States'' the first place such term appears; and

(2) by inserting ''(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)'' after ''has been living in marital union with the citizen spouse''.

SEC. 504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

''(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

''(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

''(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty in the United States by such citizen parent);

''(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

''(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

''(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

''(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

''(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a), and has not been convicted of an aggravated felony unless the act or conviction qualifies for an exemption or is waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a); and

''(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

''(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)—

''(i) an absence in excess of 90 days shall not bar the Attorney General from finding that the alien maintained continuous physical presence if the alien has been physically

present for a total of 3 years and demonstrates that the interrupting absence or a portion thereof was connected to the alien's having been battered or subjected to extreme cruelty; and

''(ii) absences that in the aggregate exceed 180 days shall not bar the Attorney General from finding that the alien maintained continuous physical presence if the alien has been physically present for a total of 3 years and demonstrates that the interrupting absences or portions thereof were connected to the alien's having been battered or subjected to extreme cruelty.

''(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that qualifies for an exception or is waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

''(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.''.

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

''(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

''(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

''(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

''(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

''(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).''.

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). So much of the amendment as is included in section 240A(b)(2) (A)(iii), (B), (D), and (E) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

SEC. 505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) ELIMINATING CONNECTION BETWEEN BATTERY AND UNLAWFUL ENTRY.—Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(ii)) is amended—

(1) by striking subclause (I) and inserting the following:

''(I) the alien qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(i); and'';

(2) in subclause (II), by striking '', and'' and inserting a period; and

(3) by striking subclause (III).

(b) ELIMINATING CONNECTION BETWEEN BATTERY AND VIOLATION OF THE TERMS OF AN IMMIGRANT VISA.—Section 212(a)(9)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by striking ''who would be described in paragraph (6)(A)(ii)'' and all that follows before the period and inserting ''who is described in paragraph (6)(A)(ii)''.

(c) BATTERED IMMIGRANT WAIVER.—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: ''The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

''(1) the aliens having been battered or subjected to extreme cruelty; and

''(2) the alien's—

''(A) removal;

''(B) departure from the United States;

''(C) reentry or reentries into the United States; or

''(D) attempted reentry into the United States.

(d) DOMESTIC VIOLENCE VICTIM WAIVER.—

(1) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

''(7) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

''(A) IN GENERAL.—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

''(i) upon a determination that—

''(I) the alien was acting is self-defense;

''(II) the alien was found to have violated a protection order intended to protect the alien; or

''(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

''(aa) that did not result in serious bodily injury; and

''(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

''(B) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.''.

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting ''(unless the act or conviction qualifies for an exception or is waivable for the purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a))'' after ''237(a)(3)''.

(e) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: ''or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who would otherwise qualify for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child''.

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting ''(I)'' after ''(i)'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

''(ii) is an alien who qualifies for classification under clause (iii), or (iv), of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.

(f) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by adding ''or'' at the end; and

(3) by inserting after subparagraph (B) the following:

''(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2), or relief under section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996);''.

(g) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

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

(2) by adding at the end the following:

''(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A), classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2) or relief under section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and''.

(h) PUBLIC CHARGE.—Section 212(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)(B)) is amended by adding at the end the following:

''(iii) In determining under this paragraph whether or not an alien described in section 212(a)(4)(C)(i) is inadmissible under this paragraph or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident, the consular officer or the Attorney General shall not consider any benefits the alien may have received that

were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).''.

(i) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to the fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service by which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IMMIGRATION AMENDMENTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting ''or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' after ''into the United States.''; and

(B) in subsection (c), by striking ''Subsection (a) shall not be applicable to'' and inserting the following: ''Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or B(iv) of section 204(a)(1), subsection (a) shall not be applicable to''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking ''when the alien is served a notice to appear under section 239(a) or'' and inserting ''(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2) when the alien is served a notice to appear under section 239(a), or (B)''.

(2) EXEMPTION FROM ANNUAL LIMITATION ON CANCELLATION OF REMOVAL FOR BATTERED SPOUSE OR CHILD.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following:

''(C) Aliens in removal proceedings who applied for cancellation of removal under subsection (b)(2).''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

(4) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

''(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—''; and

(B) in clause (i)—

(i) in subclause (IV), by striking ''or'' at the end;

(ii) in subclause (V), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).''.

(5) EFFECTIVE DATE.—The amendments made by paragraph (4) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

''(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—There is no time limit on the filing of a motion to reopen, and the deadline specified in subsection (b)(5)(C) for filing such a motion does not apply—

''(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2); and

''(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229–1229c).

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.—

(1) RECLASSIFICATION.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 503(b)(3) of this title) is amended by adding at the end the following:

''(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.''.

(2) LOSS OF STATUS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 503(c)(4) of this title) is amended by adding at the end the following:

''(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

''(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.''.

(3) DEFINITION OF IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: ''For purposes of this clause, an alien

who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.''.

(b) ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: ''Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in section 204(a)(1)(A) (iv) or (vi) or 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.''.

SEC. 508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

''(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.

SEC. 509. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING CRIMES AGAINST WOMEN.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, trafficking, incest, battery is or extreme cruelty, sexual assault, female genital mutilation, forced prostitution, being held hostage or other violent crimes.

(B) All women and children who are victims of these crimes and other human rights violations committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation, of the crimes or other unlawful activity committed against them, the prosecution of the perpetrators of such crimes or activity, or both such investigation and prosecution.

(2) PURPOSE.—

(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking of aliens, battering, extreme crudity, and other crimes committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.

(B) Creating a new nonimmigrant visa classification will facilitate the reporting of violations to law enforcement officials by exploited, victimized, and abused aliens who arc not in a lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations, prosecutions, and civil law enforcement proceedings. By providing temporary legal status to aliens who have been severely victimized by criminal or other unlawful activity, it also reflects the humanitarian interests of the United States.

(C) Finally, this section gives the Attorney General discretion to convert such nonimmigrants to permanent resident status when it is justified on humanitarian grounds or is otherwise in the public interest.

(b) ESTABLISHMENT OF HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting ''; or''; and

(3) by adding at the end the following:

''(T)(i) an alien who the Attorney General determines—

''(I) is physically present in the United States or at a port of entry thereto;

''(II) is or has been a victim of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000;

''(III)(aa) has not unreasonably refused to assist in the investigation or prosecution of acts of trafficking; or

''(bb) has not attained the age of 14 years; and

''(IV) would face a significant possibility of retribution or other hardship if removed from the United States,

and, if the Attorney General considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in this subparagraph if accompanying, or following to join, the alien, except that no person shall be eligible for admission to the United States under this subparagraph if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000;

''(ii) subject to section 214(m), an alien (and the spouse, children, and parents of the alien if accompanying or following to join the alien) who files an application for status under this subparagraph, if the Attorney General determines that—

''(I) the alien possesses material information concerning criminal or other unlawful activity;

''(II) the alien is willing to supply, has supplied, or has not unreasonably refused to supply such information to Federal or State law enforcement official or a Federal or State administrative agency investigating or bringing an enforcement action, or to a Federal or State court;

''(III) the alien. would be helpful, were the alien. to remain in the United States, to a Federal or State investigation or prosecution of criminal or other unlawful activity;

''(IV) the alien (or a child of the alien) has suffered substantial physical or mental abuse as a result of the criminal or other unlawful activity;

''(V) the alien has filed an affidavit from a Federal or State law enforcement official or a Federal or State administrative agency investigating or bringing and enforcement action, or is a Federal or State court, that provides information addressing the requirements under subclauses (I) through (III); and

''(iii) the provisions of section 204(a)(1)(H) shall apply to applications filed under clause (i) or (ii).''.

(2) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO ''T'' VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

''(i) With respect to nonimmigrant aliens described in subsection (a)(15)(T)—

''(1) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations that would educate the aliens regarding their options while in the United States and the resources available to them; and

''(2) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an 'employment authorized' endorsement or other appropriate work permit.''.

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

''(13) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T) for material nontrafficking related conduct committed after the alien's admission into the United States, or for material nontrafficking related conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T).''.

(c) CONDITIONS FOR ADMISSION.—

(1) NUMERICAL LIMITATIONS, PERIOD OF ADMISSION, ETC.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(m)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(T) in any fiscal year may not exceed 2,000.

''(2) The period of admission of an alien as such a nonimmigrant may not exceed 3 years and such period may not be extended.

''(3) As a condition for the admission (or the provision of status), and continued stay in lawful status. of an alien as such a nonimmigrant, the alien—

''(A) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission (or obtaining such status) unless the alien qualifies for an exception or a waiver under section 212(a) or section 237(a); and

''(B) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.

''(4) The Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an 'employment authorized' endorsement or other appropriate work permit.''.

(2) PROHIBITION OF CHANGE OF NONIMMIGRANT CLASSIFICATION.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking ''or (S)'' and inserting ''(S), or (T)''.

(3) NONEXCLUSIVE RELIEF.—Nothing in this title, or the amendments made by this title, affects the ability of an alien to seek any relief for which the alien may be eligible, including—

(A) asylum, gender-based asylum, withholding of removal, or withholding of removal based on protection under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; or

(B) relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), section 240A(b)(2), or section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(4) PROHIBITION ON ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY.—Section 384(a)(1) of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996 is amended—

(A) by striking ''or'' at the end of subparagraph (D),

(B) by adding at the end the following:

''(E) in the case of an alien applying for relief under section 101(a)(15)(T), the perpetrator of the substantial physical or mental abuse and the criminal or unlawful activity; and''; and

(C) by inserting in paragraph (2) after ''216(c)(4)(C),'' the following ''101(a)(15)(T),''.

(d) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C 1255) is amended by adding at the end the following:

''(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

''(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i);

''(B) has, throughout such period, been a person of good moral character;

''(C) has not, during such period, unreasonably refused to provide assistance in the investigation or prosecution of acts of trafficking; and

''(D) would face a significant possibility of retribution or other hardship if removed from the United States,

the Attorney General may adjust the status of the alien (and the spouse, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

''(3) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(T) (and a spouse, child, or parents admitted under such section) to that of an alien lawfully admitted for permanent residence if—

''(A) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest; and

''(B) the alien is not described in subparagraph (A)(i)(I), (A)(ii), (A)(iii), (C), or (E) of section 212(a)(3).

''(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.''.

SEC. 510. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) IN GENERAL.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: '', except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 511. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note) is amended—

(1) in clause (i)—

(A) by striking ''For purposes'' and inserting ''Subject to clauses (ii), (iii), and (iv), for purposes'';

(B) by striking ''or'' at the end of subclause (IV);

(C) by striking the period at the end of subclause (V) and inserting ''; or''; and

(D) by adding at the end the following:

''(VI) is at the time of filing of an application under subclause (I), (II), (V), or (VI) the spouse or child of an individual described in subclause (I), (II), or (V) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subclause (I), (II), or (V).''; and

(2) by adding at the end the following:

''(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VI) or (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

''(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—For purposes of the application of subclauses (VI) and (VII) of clause (i), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.''.

SEC. 512. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538) is amended to read as follows:

''(B)(i) the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a);

''(ii) at the time of filing or the application for adjustment under subsection (a) or this subsection the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

''(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).''.

(b) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—Section 902(d) of such Act is amended—

(1) in paragraph (1), by striking ''The status'' and inserting ''Subject to paragraphs (2) and (3), the status''; and

(2) by adding at the end the following:

''(3) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—A spouse, or child may adjust to permanent resident status under paragraph (1) without demonstrating that he or she is residing with the spouse or parent in the United States.''.

SEC. 513. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.

(a) LAW ENFORCEMENT AND PROSECUTION GRANTS.—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by inserting '', immigration and asylum officers, immigration judges,'' after ''law enforcement officers'';

(2) in paragraph (8) (as amended by section 209(c) of this Act), by striking ''and'' at the end;

(3) in paragraph (9) (as added by section 209(c) of this Act), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(10) providing assistance to victims of domestic violence and sexual assault in immigration matters.''.

(b) GRANTS TO ENCOURAGE ARRESTS.—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: '', including strengthening assistance to domestic violence victims in immigration matters''.

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

''(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and''.

(d) CAMPUS DOMESTIC VIOLENCE GRANTS.—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: '', including assistance to victims in immigration matters''.

TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

SEC. 601. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;

''(2) for fiscal year 2002, $6,169,000,000;

''(3) for fiscal year 2003, $6,316,000,000;

''(4) for fiscal year 2004, $6,458,000,000; and

''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,459,000,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.''.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3200

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking ''(1) at the end'' and all that follows through the end and inserting ''on the date the person is separated from the Selected Reserve.''.

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking ''shall be determined'' and all that follows through the end and inserting ''shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve.''.

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)'';

(2) in paragraph (3), by striking ''subsection (a)'' and inserting ''subsection (b)(1)''; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)''; and

(B) in subparagraph (B), by striking ''clause (2) of such subsection'' and inserting ''subsection (a)''.

THOMAS AMENDMENT NO. 3201

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 2549), supra; as follows:

At the appropriate place in the bill, add the following new section and renumber the remaining sections accordingly:

SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ''entity controlled by a foreign government'' has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ''veterans memorial object'' means any object, including a physical structure or portion thereof, that—

(A) is located in a cemetery of the national Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

DODD AMENDMENT NO. 3202

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking ''the unmarked graves of''; and

(2) by adding at the end the following:

''(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.''.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave for any individual who died before November 1, 1990, for which the Administrator of Veterans' Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

INHOFE (AND NICKLES) AMENDMENT NO. 3203

(Ordered to lie on the table.)

Mr. INHOFE (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. INDUSTRIAL MOBILIZATION CAPACITY, MCALESTER ARMY AMMUNITION ACTIVITY, OKLAHOMA.

Of the amount authorized to be appropriated under section 301(1), $10,300,000 shall be available for funding the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

STEVENS AMENDMENT NO. 3204

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary.''.

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

SANTORUM AMENDMENT NO. 3205

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

SEC. 126. REMANUFACTURED AV–8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)(1)—

(1) $374,132,000 is available for the procurement of remanufactured AV–8B aircraft;

(2) $32,600,000 is available for the procurement of UC–35 aircraft;

(3) $81,039,000 is available for the procurement of Litening II targeting pods for AV–8B aircraft; and

(4) $262,514,000 is available for engineering change proposal 583 for FA–18 aircraft.

SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3206

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. ALLARD, and Mr. HUTCHINSON) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place, add the following:

"SEC. . PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense, and no member of the Armed Forces shall be granted a security clearance unless that person:

(1) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

(2) is not a fugitive from justice;

(3) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(4) has not been adjudicated as a mental defective or been committed to a mental institution;

(5) has not been discharged from the Armed Forces under dishonorable conditions; and.''.

JOHNSON AMENDMENTS NOS. 3207–3209

(Ordered to lie on the table.)

Mr. JOHNSON submitted three amendments intended to be proposed by him to the bill, S. 2459, supra; as follows:

AMENDMENT NO. 3207

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

''(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

''(1) a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter; or

''(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or''; and

(3) in subsection (h) (as so redesignated), by striking ''or (e)'' and inserting ''(e), or (f)''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

AMENDMENT NO. 3208

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. MEDICARE PRESCRIPTION DRUG PRICE REDUCTION PROGRAM.

(a) PARTICIPATING MANUFACTURERS.—

(1) IN GENERAL.—Each participating manufacturer of a covered outpatient drug shall make available for purchase by each pharmacy such covered outpatient drug in the amount described in paragraph (2) at the price described in paragraph (3).

(2) DESCRIPTION OF AMOUNT OF DRUGS.—The amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy is an amount equal to the aggregate amount of the covered outpatient drug sold or distributed by the pharmacy to medicare beneficiaries.

(3) DESCRIPTION OF PRICE.—The price at which a participating manufacturer shall make a covered outpatient drug available for purchase by a pharmacy is the price equal to the lower of the following:

(A) The lowest price paid for the covered outpatient drug by any agency or department of the United States.

(B) The manufacturer's best price for the covered outpatient drug, as defined in section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)).

(b) SPECIAL PROVISION WITH RESPECT TO HOSPICE PROGRAMS.—For purposes of determining the amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy under subsection (a), there shall be included in the calculation of such amount the amount of the covered outpatient drug sold or distributed by a pharmacy to a hospice program. In calculating such amount, only amounts of the covered outpatient drug furnished to a medicare beneficiary enrolled in the hospice program shall be included.

(c) ADMINISTRATION.—The Secretary shall issue such regulations as may be necessary to implement the program established by this section.

(d) REPORTS TO CONGRESS REGARDING EFFECTIVENESS OF SECTION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall report to Congress regarding the effectiveness of the program established by this section in—

(A) protecting medicare beneficiaries from discriminatory pricing by participating manufacturers; and

(B) making covered outpatient drugs available to medicare beneficiaries at prices substantially lower than the prices such beneficiaries would have paid for such drugs on the date of enactment of this section.

(2) CONSULTATION.—In preparing such reports, the Secretary shall consult with public health experts, affected industries, organizations representing consumers and older Americans, and other interested persons.

(3) RECOMMENDATIONS.—The Secretary shall include in such reports any recommendations that the Secretary considers appropriate for changes in this section to further reduce the cost of covered outpatient drugs to medicare beneficiaries.

(e) DEFINITIONS.—In this section:

(1) PARTICIPATING MANUFACTURER.—The term ''participating manufacturer'' means any manufacturer of drugs or biologicals that, on or after the date of enactment of this section, enters into or renews a contract or agreement with the United States for the sale or distribution of covered outpatient drugs to the United States.

(2) COVERED OUTPATIENT DRUG.—The term ''covered outpatient drug'' has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2)).

(3) MEDICARE BENEFICIARY.—The term ''medicare beneficiary'' means an individual entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled under part B of such title (42 U.S.C. 1395j et seq.), or both.

(4) HOSPICE PROGRAM.—The term ''hospice program'' has the meaning given that term under section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(f) EFFECTIVE DATE.—The Secretary shall implement this section as expeditiously as practicable and in a manner consistent with the obligations of the United States.

AMENDMENT NO. 3209

At the end of the bill, add the following:

DIVISION D—GENERIC PHARMACEUTICAL ACCESS

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Generic Pharmaceutical Access and Choice for Consumers Act of 2000''.

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

SEC. 4002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Generic pharmaceuticals are approved by the Food and Drug Administration on the basis of testing and other information establishing that such pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name pharmaceuticals.

(2) The pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals.

(3) The Congressional Budget Office estimates that—

(A) the substitution of generic pharmaceuticals for brand-name pharmaceuticals will save purchasers of pharmaceuticals between $8,000,000,000 and $10,000,000,000 each year; and

(B) quality generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of $15 to $30 on each prescription filled.

(4) Generic pharmaceuticals are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office.

(b) PURPOSES.—The purposes of this Act are—

(1) to reduce the cost of prescription drugs to the United States Government and to beneficiaries under Federal health care programs while maintaining the quality of health care by encouraging the use of generic drugs rather than nongeneric drugs under those programs whenever feasible; and

(2) to increase the utilization of generic pharmaceuticals by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and by affording national uniformity to that determination.

TITLE XLI—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

SEC. 4101. ENCOURAGEMENT OF THE USE OF GENERIC DRUGS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—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 new section:

"SEC. 247. USE OF GENERIC DRUGS ENCOURAGED.

''(a) Each grant or contract entered into under this Act that involves the provision of health care items or services to individuals shall include provisions to ensure that, to the extent feasible, any prescriptions provided for under such grant or contract are filled by providing the generic form of the drug involved, unless the nongeneric form of the drug is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.

''(b) In this section:

''(1) The term 'generic form of the drug' means a drug that is the subject of an application approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(5)(E) of that Act (21 U.S.C. 355(j)(5)(E)).

''(2) The term 'nongeneric form of the drug' means a drug that is the subject of an application approved under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 4102. APPLICATION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(p) To the extent feasible, if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of any prescription drug, the carrier shall provide, pay, or reimburse the cost of the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), except, if the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 4103. APPLICATION TO MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)) is amended by adding at the end the following new paragraph:

''(3) For purposes of paragraph (1), the term 'drugs' means, to the extent feasible, the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of such drug (as defined in section 247(b)(2) of such Act) is—

''(A) specifically ordered by the health care provider; or

''(B) requested by the individual to whom the drug is provided.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

(2) MEDICARE+CHOICE PLANS.—In the case of a Medicare+Choice plan offered by a Medicare+Choice organization under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.), the amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 4104. APPLICATION TO MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking ''and'' at the end;

(2) in paragraph (65), by striking the period at the end and inserting ''; and''; and

(3) by adding the following new paragraph:

''(66) provide that the State shall, in conjunction with the program established under section 1927(g), to the extent feasible, provide for the use of a generic form of a drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act is—

''(A) specifically ordered by the provider; or

''(B) requested by the individual to whom the drug is provided.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished under State plans that are approved or renewed on or after the date of enactment of this Act.

SEC. 4105. APPLICATION TO INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following new subsection:

"SEC. 225. USE OF GENERIC DRUGS ENCOURAGED.

''In providing health care items or services under this Act, the Indian Health Service shall ensure that, to the extent feasible, any prescriptions that are provided for under this Act are filled by providing the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) involved, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 4106. APPLICATION TO VETERANS PROGRAMS.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722A the following new section:

"§ 1722B. Use of generic drugs encouraged

''When furnishing a prescription drug under this chapter, the Secretary shall furnish a generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1722A the following new item:

''1722B. Use of generic drugs encouraged.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 4107. APPLICATION TO RECIPIENTS OF UNIFORMED SERVICES HEALTH CARE.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110. Use of generic drugs encouraged

''The administering Secretaries shall ensure that, whenever feasible, each health care provider who furnishes a drug furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) under this chapter, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1109 the following new item:

''1110. Use of generic drugs encouraged.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished under this chapter on or after the date of enactment of this Act.

SEC. 4108. APPLICATION TO FEDERAL PRISONERS.

(a) IN GENERAL.—Section 4006(b) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(3) USE OF GENERIC DRUGS ENCOURAGED.—The Attorney General shall ensure that, whenever feasible, each health care provider who furnishes a drug to a prisoner charged with or convicted of an offense against the United States furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(A) specifically ordered by the prescribing provider; or

''(B) requested by the prisoner for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

TITLE XLII—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

SEC. 4201. THERAPEUTIC EQUIVALENCE OF GENERIC DRUGS.

(a) IN GENERAL.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

''(E)(i) For each abbreviated application filed under paragraph (1), the Secretary shall determine whether the new drug for which the application is filed is the therapeutic equivalent of the listed drug referred to in paragraph (2)(A)(i) prior to the approval of the application.

''(ii) For purposes of clause (i), a new drug is the therapeutic equivalent of a listed drug if—

''(I) each active ingredient of the new drug and the listed drug is the same;

''(II) the new drug and the listed drug (aa) are of the same dosage form; (bb) have the same route of administration; (cc) are identical in strength or concentration; (dd) meet the same compendial or other applicable standards, except that the drugs may differ in shape, scoring, configuration, packaging, excipient, expiration time, or, subject to paragraph (2)(A)(v), labeling; and (ee) are expected to have the same clinical effect and safety profile when administered to patients under conditions specified in the labeling; and

''(III)(aa) the new drug does not present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or (bb) if the new drug presents a known or potential bioequivalence problem, the drug is shown to meet an appropriate bioequivalence standard.

''(iii) With respect to a new drug for which an abbreviated application is filed under paragraph (1), the provisions of this subparagraph shall supersede any provisions of the law of any State relating to the determination of the therapeutic equivalence of the drug to a listed drug.''; and

(2) in paragraph (7)(A), by adding at the end the following:

''(iv) The Secretary shall include in each revision of the list under clause (ii) on or after the date of enactment of this clause the official and proprietary name of each listed drug that is therapeutically equivalent to a new drug approved under this subsection during the preceding 30-day period, as determined under paragraph (5)(E).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE XLIII—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

SEC. 4301. SENSE OF THE SENATE REGARDING A PREFERENCE FOR THE USE OF GENERIC PHARMACEUTICALS UNDER THE MEDICARE PROGRAM.

It is the sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceuticals should be considered in conjunction with any legislation that adds a comprehensive prescription drug benefit to the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3210

Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. ALLARD, Mr. HUTCHINSON, and Mr. HARKIN) proposed and amendment to the bill S. 2549, supra; as follows:

At the appropriate place, add the following

''SEC. . PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense or any contractor thereof, and no member of the Armed Forces shall be granted a security clearance unless that person:

(1) has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

(2) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(3) has not been adjudicated as mentally incompetent;

(4) has not been discharged from the Armed Forces under dishonorable conditions.''.

WELLSTONE (AND DURBIN) AMENDMENT NO. 3211

Mr. WELLSTONE (for himself and Mr. DURBIN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SENSE OF CONGRESS REGARDING THE USE OF CHILDREN AS SOLDIERS.

(a) FINDINGS.—Congress finds that—

(1) in the year 2000 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide;

(2) many of these children are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety;

(3) many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;

(4) many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;

(5) child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;

(6) many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;

(7) children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA), which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;

(8) children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;

(9) an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

(10) on January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than 80 governments including the United States, reached consensus on an optional protocol on the use of child soldiers;

(11) this optional protocol will raise the international minimum age for conscription and direct participation in armed conflict to age eighteen, prohibit the recruitment and use in armed conflict of persons under the age of eighteen by non-governmental armed forces, encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15 and, commits governments to support the demobilization and rehabilitation of child soldiers, and when possible, to allocate resources to this purpose;

(12) on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations;

(13) United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

(14) on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

(15) in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict, first to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18, second, to increase international pressure on armed groups which currently abuse children, and third to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socio-economic collapse to become child soldiers;

(16) the United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol;

(17) on May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers;

(18) the optional protocol was opened for signature on June 5, 2000; and

(17) President Clinton has publicly announced his support of the optional protocol and a speedy process of review and signature.

(b) SENSE OF CONGRESS.—(1) Congress joins the international community in—

(A) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide; and

(B) welcoming the optional protocol as a critical first step in ending the use of children as soldiers.

(2) It is the sense of Congress that—

(A) It is essential that the President consult closely with the Senate with the objective of building support for this protocol, and the Senate move forward as expeditiously as possible.

(B) the President and Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers; and

(C) the Departments of State and Defense should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the new optional protocol on the use of child soldiers.

LOTT AMENDMENT NO. 3212

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 2459, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER AIR FORCE BASE, MISSISSIPPI.

Of the total amount authorized to be appropriated by section 301(4), $2,800,000 is available for the weatherproofing of facilities at Keesler Air Force Base, Mississippi.

BENNETT AMENDMENT NO. 3213

(Ordered to lie on the table.)

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill, S. 2459, supra; as follows:

On page 611, after line 21, add the following:

SEC. 3202. LAND TRANSFER AND RESTORATION.

(a) SHORT TITLE.—This section may be cited as the ''Ute-Moab Land Restoration Act''.

(b) TRANSFER OF OIL SHALE RESERVE.—Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended to read as follows:

''SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.

''(a) DEFINITIONS.—In this section:

''(1) MAP.—The term ''map'' means the map entitled 'Boundary Map, ...', numbered ___ and dated _____, to be kept on file and available for public inspection in the offices of the Department of the Interior.

''(2) MOAB SITE.—The term 'Moab site' means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

''(3) NOSR–2.—The term 'NOSR–2' means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

''(4) TRIBE.—The term 'Tribe' means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

''(b) CONVEYANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within the exterior boundaries of NOSR–2 in fee simple (including surface and mineral rights).

''(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

''(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

''(B) The portion of the bed of Green River contained entirely within NOSR–2, as depicted on the map.

''(C) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

''(D) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

''(3) CONDITIONS.—

''(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

''(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

''(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

''(c) WITHDRAWALS.—Each withdrawal that applies to NOSR–2 and that is in effect on the date of enactment of this section is revoked to the extent that the withdrawal applies to NOSR–2.

''(d) ADMINISTRATION OF RESERVED LAND AND INTERESTS IN LAND.—

''(1) IN GENERAL.—The Secretary shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

''(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

''(e) ROYALTY.—

''(1) PAYMENT OF ROYALTY.—

''(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

''(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

''(i) gross production taxes;

''(ii) pipeline taxes; and

''(iii) allocation taxes assessed against the gross production.

''(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

''(3) FINANCIAL AUDIT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

''(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

''(f) RIVER MANAGEMENT.—

''(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

''(A) maintains the protected status of the land; and

''(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

''(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

''(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

''(A) the Tribe; and

''(B) the Secretary.

''(g) PLANT SPECIES.—

''(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

''(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

''(B) located or found on the NOSR–2 land conveyed to the Tribe.

''(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

''(h) HORSES.—

''(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

''(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

''(A) under tribal jurisdiction; and

''(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

''(i) REMEDIAL ACTION AT MOAB SITE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Energy shall prepare a plan for the commencement, not later than 1 year after the date of completion of the plan, of remedial action (including ground water restoration) at the Moab site in accordance with section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

''(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

''(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

''(B) other amounts made available for the remedial action under this subsection.

''(3) RETENTION OF ROYALTIES.—

''(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

''(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

''(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

''(D) EXCLUSION OF WEAPONS ACTIVITIES FUNDING.—The Secretary shall not use any funds made available to the Department of Energy for weapons activities to carry out the remedial action under paragraph (1).

''(E) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

''(ii) CONTINUATION OF NRC TRUSTEE REMEDIATION ACTIVITIES.—After the date of enactment of this section and until such date as funds are made available under clause (i), the Secretary, using funds available to the Secretary that are not otherwise appropriated, shall carry out—

''(I) this subsection; and

''(II) any remediation activity being carried out at the Moab site by the trustee appointed by the Nuclear Regulatory Commission for the Moab site on the date of enactment of this section.

''(4) SALE OF MOAB SITE.—

''(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

''(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

''(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

''(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.''.

(c) URANIUM MILL TAILINGS.—Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

''(4) DESIGNATION AS PROCESSING SITE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

''(B) APPLICABILITY.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

''(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

''(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

''(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

''(I) ground water restoration; and

''(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.''.

(d) CONFORMING AMENDMENT.—Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended by inserting after subsection (e) the following:

''(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.''.

MCCAIN (AND OTHERS) AMENDMENT NO. 3214

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BYRD, Mr. BIDEN, Mr. REID, and Mr. LEVIN) proposed an amendment to amendment No. 3210 proposed by Mr. SMITH of New Hampshire to the bill, S. 2549, supra; as follows:

At the end of the pending matter add the following new Title:

TITLE —INFORMATION DISCLOSURE

SECTION . REQUIRED NOTIFICATION OF SECTION 527 STATUS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

''(i) ORGANIZATIONS MUST NOTIFY SECRETARY THAT THEY ARE SECTION 527 ORGANIZATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

''(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

''(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

''(2) TIME TO GIVE NOTICE.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established.

''(3) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall include information regarding—

''(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

''(B) the purpose of the organization,

''(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

''(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)), and

''(E) such other information as the Secretary may require to carry out the internal revenue laws.

''(4) EFFECT OF FAILURE.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income).

''(5) EXCEPTIONS.—This subsection shall not apply to any organization—

''(A) to which this section applies solely by reason of subsection (f)(1), or

''(B) which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year.

''(6) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.''.

(b) DISCLOSURE REQUIREMENTS.—

(1) INSPECTION AT INTERNAL REVENUE SERVICE OFFICES.—

(A) IN GENERAL.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting ''or a political organization is exempt from taxation under section 527 for any taxable year'' after ''taxable year'',

(ii) by inserting ''or notice of status filed by the organization under section 527(i)'' before '', together'',

(iii) by inserting ''or notice'' after ''such application'' each place it appears,

(iv) by inserting ''or notice'' after ''any application'',

(v) by inserting ''for exemption from taxation under section 501(a)'' after ''any organization'' in the last sentence, and

(vi) by inserting ''OR 527'' after ''SECTION 501'' in the heading.

(B) CONFORMING AMENDMENT.—The heading for section 6104(a) of such Code is amended by inserting ''OR NOTICE OF STATUS'' before the period.

(2) INSPECTION OF NOTICE ON INTERNET AND IN PERSON.—Section 6104(a) of such Code is amended by adding at the end the following new paragraph:

''(3) INFORMATION AVAILABLE ON INTERNET AND IN PERSON.—

''(A) IN GENERAL.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

''(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

''(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

''(B) TIME TO MAKE INFORMATION AVAILABLE.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).''.

(3) INSPECTION BY COMMITTEE OF CONGRESS.—Section 6104(a)(2) of such Code is amended by inserting ''or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year'' after ''taxable year''.

(4) PUBLIC INSPECTION MADE AVAILABLE BY ORGANIZATION.—Section 6104(d) of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended—

(A) by striking ''AND APPLICATIONS FOR EXEMPTION'' and inserting '', APPLICATIONS FOR EXEMPTION, AND NOTICES OF STATUS'' in the heading,

(B) by inserting ''or notice of status under section 527(i)'' after ''section 501'' and by inserting ''or any notice materials'' after ''materials'' in paragraph (1)(A)(ii),

(C) by inserting or ''or such notice materials'' after ''materials'' in paragraph (1)(B), and

(D) by adding at the end the following new paragraph:

''(6) NOTICE MATERIALS.—For purposes of paragraph (1), the term 'notice materials' means the notice of status filed under section 527(i) and any papers submitted in support of such notice and any letter or other document issued by the Internal Revenue Service with respect to such notice.''.

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(D) of the Internal Revenue Code of 1986 (relating to public inspection of applications for exemption) is amended—

(1) by inserting ''or notice materials (as defined in such section)'' after ''section)'', and

(2) by inserting ''AND NOTICE OF STATUS'' after ''EXEMPTION'' in the heading.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) ORGANIZATIONS ALREADY IN EXISTENCE.—In the case of an organization established before the date of the enactment of this section, the time to file the notice under section 527(i)(2) of the Internal Revenue Code of 1986, as added by this section, shall be 30 days after the date of the enactment of this section.

(3) INFORMATION AVAILABILITY.—The amendment made by subsection (b)(2) shall take effect on the date that is 45 days after the date of the enactment of this section.

SEC. 2. DISCLOSURES BY POLITICAL ORGANIZATIONS.

(a) REQUIRED DISCLOSURE OF 527 ORGANIZATIONS.—Section 527 of the Internal Revenue

Code of 1986 (relating to political organizations), as amended by section 1(a), is amended by adding at the end the following new section:

''(j) REQUIRED DISCLOSURE OF EXPENDITURES AND CONTRIBUTIONS.—

''(1) DENIAL OF EXEMPTION.—An organization shall not be treated as an organization described in this section unless it makes the required disclosures under paragraph (2).

''(2) REQUIRED DISCLOSURE.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

''(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

''(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 15th day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,

''(II) a pre-election report, which shall be filed not later than the 12th day before (or posted by registered or certified mail not later than the 15th day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the 20th day before the election, and

''(III) a post-general election report, which shall be filed not later than the 30th day after the general election and which shall be complete as of the 20th day after such general election, and

''(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or

''(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 20th day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

''(3) CONTENTS OF REPORT.—A report required under paragraph (2) shall contain the following information:

''(A) The amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, include the occupation and name of employer of such individual).

''(B) The name and address (in the case of an individual, include the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

''(4) CONTRACTS TO SPEND OR CONTRIBUTE.—For purposes of this subsection, a person shall be treated as having made an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

''(5) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply—

''(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

''(B) to any State or local committee of a political party or political committee of a State or local candidate,

''(C) to any organization which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year,

''(D) to any organization to which this section applies solely by reason of subsection (f)(1), or

''(E) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

''(6) ELECTION.—For purposes of this subsection, the term 'election' means—

''(A) a general, special, primary, or runoff election for a Federal office,

''(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

''(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

''(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.''.

(b) PUBLIC DISCLOSURE OF REPORTS.—

(1) IN GENERAL.—Section 6104(d) of the Internal Revenue Code of 1986 (relating to public inspection of certain annual returns and applications for exemption), as amended by section 1(b)(4), is amended—

(A) by inserting ''REPORTS,'' after ''RETURNS,'' in the heading,

(B) in paragraph (1)(A), by striking ''and'' at the end of clause (i), by inserting ''and'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) the reports filed under section 527(j) (relating to required disclosure of expenditures and contributions) by such organization,'', and

(C) in paragraph (1)(B), by inserting '', reports,'' after ''return''.

(2) DISCLOSURE OF CONTRIBUTORS ALLOWED.—Section 6104(d)(3)(A) of such Code (relating to nondisclosure of contributors, etc.) is amended by inserting ''or a political organization exempt from taxation under section 527'' after ''509(a))''.

(3) DISCLOSURE BY INTERNAL REVENUE SERVICE.—Section 6104(d) of such Code is amended by adding at the end the following new paragraph:

''(6) DISCLOSURE OF REPORTS BY INTERNAL REVENUE SERVICE.—Any report filed by an organization under section 527(j) (relating to required disclosure of expenditures and contributions) shall be made available to the public at such times and in such places as the Secretary may prescribe.''.

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(C) of the Internal Revenue Code of 1986 (relating to public inspection of annual returns) is amended—

(1) by inserting ''or report required under section 527(j)'' after ''filing)'',

(2) by inserting ''or report'' after ''1 return'', and

(3) by inserting ''AND REPORTS'' after ''RETURNS'' in the heading.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenditures made and contributions received after the date of enactment of this Act, except that such amendment shall not apply to expenditures made, or contributions received, after such date pursuant to a contract entered into on or before such date.

SEC. 3. RETURN REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) RETURN REQUIREMENTS.—

(1) ORGANIZATIONS REQUIRED TO FILE.—Section 6012(a)(6) of the Internal Revenue Code of 1986 (relating to political organizations required to make returns of income) is amended by inserting ''or which has gross receipts of $25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)'' after ''taxable year''.

(2) INFORMATION REQUIRED TO BE INCLUDED ON RETURN.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

''(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—In the case of a political organization required to file a return under section 6012(a)(6)—

''(1) such organization shall file a return—

''(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

''(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection, and

''(2) subsection (a)(2)(B) (relating to discretionary exceptions) shall apply with respect to such return.''.

(b) PUBLIC DISCLOSURE OF RETURNS.—

(1) RETURNS MADE AVAILABLE BY SECRETARY.—

(A) IN GENERAL.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is amended by inserting ''6012(a)(6),'' before ''6033''.

(B) CONTRIBUTOR INFORMATION.—Section 6104(b) of such Code is amended by inserting ''or a political organization exempt from taxation under section 527'' after ''509(a)''.

(2) RETURNS MADE AVAILABLE BY ORGANIZATIONS.—

(A) IN GENERAL.—Paragraph (1)(A)(i) of section 6104(d) of such Code (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended by inserting ''or section 6012(a)(6) (relating to returns by political organizations)'' after ''organizations)''.

(B) CONFORMING AMENDMENTS.—

(i) Section 6104(d)(1) of such Code is amended in the matter preceding subparagraph (A) by inserting ''or an organization exempt from taxation under section 527(a)'' after ''501(a)''.

(ii) Section 6104(d)(2) of such Code is amended by inserting ''or section 6012(a)(6)'' after ''section 6033''.

(c) FAILURE TO FILE RETURN.—Section 6652(c)(1) of the Internal Revenue Code of 1986 (relating to annual returns under section 6033) is amended—

(1) by inserting ''or section 6012(c)(6) (relating to returns by political organizations)'' after ''organizations)'' in subparagraph (A)(i),

(2) by inserting ''or section 6012(c)(6)'' after ''section 6033'' in subparagraph (A)(ii),

(3) by inserting ''or section 6012(c)(6)'' after ''section 6033'' in the third sentence of subparagraph (A), and

(4) by inserting ''OR 6012(C)(6)'' after ''SECTION 6033'' in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after June 30, 2000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 15, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the goals and specific legislative provisions of S. 2557, the National Energy Security Act of 2000. The bill would protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and elderly, and for other purposes.

Presentation of oral testimony is by Committee invitation only. However, those who wish 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, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150. For further information, please contact Brian Malnak at (202) 224–4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 7, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 7, 2000 at 11:00 am to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet on Wednesday, June 7, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2508, the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. WARNER. Mr. President, I ask unanimous consent that the Joint Economic Committee be permitted to meet on June 6, 2000 from the hours of 9:30 a.m. to 12:30 p.m. and on June 7, 2000 from the hours of 10 a.m. to 12:30 p.m. in room 216 of the Hart Senate Office Building to conduct a congressional hearing on high technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, June 7, 2000 at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 7, at 2:00 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2300, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State; S. 2069, a bill to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Wednesday, June 7, 2000 at 2:30 pm to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Senator JEFFORDS' fellow, Sande Blalock, be given floor privileges under this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Lt. Col. Tim Wiseman, a legislative fellow on my staff, and Amanda Wiley, a staff intern, be given floor privileges for the remainder of the debate on S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent Curt McFarlin from the Office of KAY BAILEY HUTCHISON be granted floor privileges during consideration of this bill, S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent Nancy Thompson of my staff be granted floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Bob Herbert, a Congressional Fellow in my office, be granted floor privileges during the pendency of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that Glen Davis, a fellow in my office, be granted the privilege of the floor during the entire debate of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that John Jennings, Dana Krupa, and Pam Nicholson, legislative fellows in Senator BINGAMAN's office, be granted floor privileges during the pendency of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that Major Greg Sheppard, an Air Force fellow in my office, be granted floor privileges for the remainder of the debate on Defense authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Democratic leader, pursuant to Public Law 105–389, announces the appointment of Robert R. Ferguson III of North Carolina to serve as a member of the First Flight Centennial Federal Advisory Board.

DESIGNATION OF THE NATIONAL OPERA

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4542, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4542) to designate the Washington Opera in Washington, DC as the National Opera.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4542) was read a third time and passed.

HONORING THOSE LOST ABOARD THE U.S.S. ''THRESHER'' ON APRIL 10, 1963

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 318, submitted earlier by Senator SNOWE, for herself and others.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 318) honoring the 129 sailors and civilians lost aboard the USS THRESHER on April 10, 1963, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 318) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 318

Whereas this is the 100th year of service to the people of the United States by the United States Navy submarine force, the ''Silent Service'';

Whereas this is the 200th year of service to the Nation of the Portsmouth Naval Shipyard;

Whereas Portsmouth Naval Shipyard launched the first Navy built submarine, the L–8, on April 23, 1917;

Whereas 52 years and 133 submarines later, on November 11, 1969, Portsmouth Naval Shipyard launched the last submarine built by the Navy, the U.S.S. Sand Lance;

Whereas the U.S.S. Thresher was launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the U.S.S. Thresher departed Portsmouth Naval Shipyard on April 9, 1963, with a crew of 129 composed of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:45 a.m. on April 10, 1963, at a location near 41.46 degrees North latitude and 65.03 degrees West longitude, the U.S.S. Thresher began her final mission;

Whereas the U.S.S. Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of that submarine, there arose the SUBSAFE program which has kept America's submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the U.S.S. Thresher, there arose in our Nation's universities the ocean engineering curricula that enables America's preeminence in submarine warfare; and

Whereas the ''last full measure of devotion'' shown by the crew of the U.S.S. Thresher characterizes the sacrifice of all submariners, past and present, military and civilian, in the service of this Nation: Now, therefore, be it

Resolved, That the Senate—

(1) remembers with profound sorrow the loss of the U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963;

(2) expresses its deepest gratitude to all submariners on ''eternal patrol'', forever bound together by their dedicated and honorable service to the United States of America;

(3) recognizes with appreciation and respect the commitment and sacrifices made by the Naval Submarine Service for the past 100 years in providing for the common defense of the United States; and

(4) offers its admiration and gratitude for the workers of the Portsmouth Naval Shipyard whose 200 years of dedicated service to the United States Navy has contributed directly to the greatness and freedom of the United States.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard who shall accept this resolution on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

PUBLIC HEALTH SERVICE ACT AMENDMENT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Health Committee be discharged from further consideration of S. 2625, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2625) to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2625) was read a third time and passed, as follows:

S. 2625

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

SECTION 1. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION ACT OF 2000.

(a) FINDINGS.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(b) CERTIFICATION AND RECERTIFICATION OF ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

''(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

''(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

''(I) January 1, 2002; or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

''(III) use multiple outcome measures as part of the certification process; and

''(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;''.

ORDERS FOR THURSDAY, JUNE 8, 2000

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, June 8. I further ask unanimous consent that on Thursday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate then resume consideration of S. 2549, the Department of Defense authorization bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that Senator SMITH of New Hampshire be recognized for up to 30 minutes of general debate on S. 2549 during tomorrow's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, on behalf of the leader, I announce that the Senate will convene at 9:30 a.m. tomorrow and resume debate on the Defense authorization bill. Under the order, at 1 p.m. there will be 2 hours of debate on the McCain-Feingold amendment regarding soft money disclosure. Following that debate, at 3 p.m. the Senate will begin consideration of the Kennedy HMO amendment for up to 2 hours. Votes on the McCain and Kennedy amendments will be stacked to occur at 5 p.m. Further amendments may be offered prior to the votes, and therefore votes may occur prior to the 5 p.m. votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, June 8, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

ISRAEL'S WITHDRAWAL FROM SOUTH LEBANON: THE OTHER SIDE OF THE STORY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. RAHALL. Mr. Speaker, on May 25, 2000, this body unanimously adopted a resolution commending Israel for its ''redeployment'' from Lebanon. I voted yes, despite the extremely one-sided nature of the resolution, even down to the use of the word ''redeployment,'' which most of the world terms as withdrawal.

Let us not forget. This is a valiant victory for the people of Lebanon who have suffered immensely both before, but more tragically since, the Israeli occupation lasting over 22 years. Now our own government can pride itself on one less U.N. Resolution which it so embarrassingly failed to enforce for more than two decades.

The following article, which appeared in the May 26, 2000 edition of the Los Angeles Times, and written by Hussein Ibish, communications director for the American-Arab Anti-Discrimination Committee (ADC), puts into much more balance the recent House action.

[From the Los Angeles Times, May 26, 2000]

KNOW NOW THAT ARAB LIVES ARE AS WORTHY AS ISRAELIS'

(By Hussein Ibish)

As the Lebanese people have finally liberated themselves from more than two decades of Israeli occupation, most American commentors are reacting with only one concern: Will northern Israel be safe from attack?

The focus on this misleading question is the result of a widespread acceptance of the official Israeli line that its 22-year rampage in southern Lebanon was in essence a futile quest for peace in a hostile region. This view is consistent with the pattern of putting Israeli lives and concerns over those of Arabs, but it is completely inconsistent with the history of the occupation and the experiences of its Lebanese victims.

It is blind to the tens of thousands of Lebanese civilians killed by Israel during the occupation, the hundreds of thousands made homeless and the scores of destroyed villages and cities. It forgets the ghastly massacres of unarmed civilians for which the Israelis have been responsible in Lebanon, including the massacres at the Sabra and Shatila refugee camps and the U.N. base at Qana. It ignores the Lebanese civilians held hostage to this day in Israeli prisons and the hundreds of Lebanese men, women and childien held prisoner and tortured at the notorious Khiam detention center run by the Israeli-controlled militia, the South Lebanese Army. It does not acknowledge the pain of the Lebanese nation at being divided for almost a quarter of a century and subject to continuous attacks on its civilian population and infrastructure.

No wonder, given this history, that the scenes of liberation from south Lebanon have been truly extraordinary. Hundreds of Lebanese streamed back into villages and towns from which they had been expelled by Israel. Tears of joy flowed as relatives were reunited after years of separation. Hundreds of civilians stormed Khiam, freeing about 140 prisoners and exposing the hideous apparatus of torture and terror employed there.

These scenes have potentially far-reaching implications. Can others in the Middle East living under foreign military occupation, such as the Palestinians in the West Bank and Gaza, have failed to register what real liberation looks like?

Everywhere Hezbollah fighters, derided by the Israeli and U.S. governments as ''terrorists,'' conducted themselves in an exemplary manner, handing prisoners over to government troops and ensuring that the liberation was not marred by acts of vengeance. These supposed fanatical terrorists were once again shown to be a disciplined and responsible liberation force.

How quickly it is forgotten that Hezbollah is itself a product of the Israeli occupation, founded in 1982 with the aim of driving out the Israeli army and freeing the south of the hellish experience of occupation. The fretting about potential Hezbollah rocket attacks on northern Israeli towns is misplaced, given that since 1996 Hezbollah has almost always carried out such attacks in response to Israeli killings of Lebanese civilians, often only after repeated atrocities. By contrast, in recent months Israel repeatedly attacked Lebanese civilian targets, such as power stations, in response to attacks on its soldiers in Lebanon.

The Israeli army may have fled Lebanon in chaos and humiliation, but not without issuing dire threats of massive attacks against Lebanon. Israel's retreat from Lebanon is incomplete and insufficient. Israel was driven out of most of southern Lebanon by an extraordinary campaign of popular resistance, but continues to occupy the Shabaa Farms area. It holds numerous Lebanese hostage.

There is every indication that Israel still feels it can attack the Lebanese people with impunity. Israel's foreign minister, David Levy, recently threatened that Israel would continue to target Lebanese civilians ''blood for blood, child for child.''

The international community, while paying lip service to Lebanese territorial integrity, failed to exert any pressure on Israel to end its occupation. Instead it was left to resistance groups such as Hezbollah to enforce U.N. Security Council Resolution 425, which in 1978 demanded Israel's unconditional withdrawal from Lebanon ''forthwith.''

The United States, Israel's main patron, financier and arms supplier, has been particularly culpable by repeatedly using its diplomatic muscle, including its Security Council veto, to protect Israel from international criticism after its invasions and atrocities. Rather than helping enforce Resolution 425, which it voted for, the U.S. government line has been that ''all foreign forces should withdraw from Lebanon.''

This was an obvious ploy intended to buy time and space for Israel by drawing a false moral and legal equivalence between Israel's brutal and illegal occupation of south Lebanon and the Syrian presence in Lebanon. Syria's role there is controversial, supported by many and oppposed by others as overbearing, while the Israeli occupation was universally despised, as was amply demonstrated by the instantaneous collapse of its proxy militia. Had the United States been willing to stand by interntional law rather than making disingenuous excuses for outrageous Israeli conduct, the international community might have been able to act responsibly toward Lebanon.

The obvious questions now are: Will Israel be forced to complete its withdrawal from all of Lebanon, or will it be allowed to hang on to the Shabaa Farms, where it has built a ski resort and a settlement for Ethiopians? Will Israel be seriously pressured to release the Lebanese hostages, or will it yet again be granted an exception to the most basic international human rights norms? Will Israel be made to pay the reparations it owes to the Lebanese for the invasions, bombings and occupation, as is supposed to now be the norm for international aggressors? When will the American government and media acknowledge that Lebanese and Arab lives and rights are as important and worthy as those of Israelis?

Finally, and most importantly, will the international community at long last live up to its responsibility to prevent Israel from ever again invading or bombing Lebanon and murdering its people?

STATE REPRESENTATIVE PHYLLIS MUNDY RECEIVES ATHENA AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to State Representative Phyllis Mundy of the 120th Legislative District in Luzerne County, Pennsylvania, who will receive the prestigious ATHENA Award from the Greater Wilkes-Barre Chamber of Commerce of Business and Industry at its annual Business Awards Luncheon on June 8.

The ATHENA honor is presented to a person who has attained professional excellence, devoted time and energy to the community in an meaningful way, and assisted women in attaining their full potential. That description certainly applies to Representative Mundy.

Phyllis is one of the hardest working, most effective, and more committed legislators in Pennsylvania, and I am proud to consider her a friend as well as a colleague. I consider her a valued partner and a true asset and leader for the community, as well as for the entire Commonwealth of Pennsylvania.

She is a strong leader who has done an outstanding job encouraging women in Northeastern Pennsylvania and throughout the state. From her support of programs like WILL—Women in Legislative Leadership—to the assistance she provides to lower-income working women and their children, she exemplifies the qualities recognized in the ATHENA Award.

She has authored many legislative proposals to assist women, including bipartisan legislation to establish the ''Ounce of Prevention'' home visiting initiative to provide early

intervention services for at-risk women and children.

Her monthly luncheons for women encourage business networking and friendship. She has served as a mentor for Leadership Wilkes-Barre and as a member of the Advisory Committee of the Domestic Violence Center, the Board of Sponsors for Wilkes University's School of Business, Society and Public Policy and the Wyoming Area Kiwanis Club. As a volunteer, she has worked with the Junior League, Domestic Violence Service Center, Big Brothers/Big Sisters, and Volunteers for Literacy. She has also served two terms as President of the League of Women Voters of the Wilkes-Barre Area.

Among her many honors, Representative Mundy has received the Guardian of Small Business Award from the National Federation of Independent Business, the Legislator of the Year Award from the Pennsylvania Mental Health Counselors Association, the Distinguished Service Award from Bloomsburg University, the John Heinz Friend of Nursing Award, and the Pathfinder Award from the Wyoming Valley Women's Network.

In her work as Representative from the 120th District, she serves on the Education, Commerce and Economic Development and Appropriations Committees of the House. A strong advocate for the taxpayers, she is well known in Harrisburg for her thorough questioning of high state officials during the annual hearings on the budget. She also uses her committee assignments to promote the economic health of our region and all of the state, and to advocate for common-sense policies and priorities that will bring the greatest benefit to the greatest number of children. As she is fond of pointing out, for every one dollar invested in early childhood development programs, we can save up to seven dollars over the lifetime of an individual in the areas of education, health care, and crime.

Joined by numerous advocates for children, she has worked tirelessly and in a bipartisan manner to ensure that lower income working families would continue to receive a state subsidy that enables them to keep working and place their children in quality day care. On this issue, she has been second to none.

Representative Mundy resides in Kingston, Pennsylvania, and is the parent of a son, Brian, who lives in Walnut Creek, California, with his wife, April, and son, Mason.

Mr. Speaker, I am pleased to join the Greater Wilkes-Barre Chamber in honoring Representative Mundy. I send my best wishes for her continued success and my thanks for her hard work on behalf of our shared constituents.

ANNUAL CHISHOLM TRAIL ROUND-UP

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Ms. GRANGER. Mr. Speaker, I rise today to recognize an honored tradition in the Great State of Texas and in Texas' Twelfth District—the Annual Chisholm Trail Round-Up. This is the twenty-fourth year for the Round-up which will take place on Friday, June 16, 2000. This classic festival gives folks the opportunity to ''Saddle Up,'' ''Ride on the Old Chisholm Trail,'' and celebrate the western heritage of the City of Fort Worth. Folks bring their own horses, authentic western wear, and zeal for the Old West festivities. This year's theme, ''Salute to the Fort,'' will recognize the U.S. Military and its veterans and will feature the biggest red, white, and blue parade in history.

This year promises to be the biggest and best Round-Up ever. From the Big Ball in Cowtown Gala to the traditional Chisholm Trail ride, Fort Worth will be alive with western culture. In addition to great food, there will be great entertainment with Nashville recording artists and the finest Texas music entertainers. The event will also include Old Western Heritage re-enactment groups that celebrate how life used to be in Fort Worth.

The Chisholm Trail Round-Up is the biggest event of the summer in Fort Worth. Everyone joins in to continue the tradition and celebrate our western heritage and culture. The Annual Chisholm Trail Round-Up is a wonderful way to unite the community in the rich heritage which ties us all together. I salute this historic event and all the people who give their time and energy to make this event successful.

SUPPORT FOR H.R. 4094

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Ms. SANCHEZ. Mr. Speaker, I rise today to draw attention to the deplorable conditions of so many of our nation's public schools.

One need only listen to the stories of our teachers to know what those facilities are really like.

For example: ''Often the children weren't able to have large group meetings because the room had peeling paint and ceiling tiles falling. When tropical storm Floyd hit, my daughter complained that they didn't have enough buckets to put under all the leaks.''

Or: ''The school in which I teach was just closed down following an emergency evacuation due to a collapsed ceiling and subsequent flooding.''

And: ''Our middle school was condemned 30 years ago and is still being used. It is in fairly good shape considering that, but we do have one downfall that no corporation would put up with. We have bats!''

If my fellow Members of Congress visited schools in their districts during the Memorial Day recess, as I did, they witnessed facility conditions firsthand. Chances are many were run down and out of room.

School bonds can help. School bonds are good for our communities, they're good for our schools and, most importantly, they're good for our children.

That is why I urge my colleagues to join me in supporting H.R. 4094, the ''America's Better Classroom Act of 2000.'' This bipartisan legislation, authored by Representatives NANCY JOHNSON and CHARLIE RANGEL, helps communities leverage funds for school bonds.

The 106th Congress has the opportunity to pass meaningful school construction legislation. Endorsing this bill, as Members on both sides of the aisle have done, will enable the House to consider a valuable bill and begin to help our schools prepare to educate a new century of students.

IN RECOGNITION OF DR. HOWARD BRAVERMAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize Dr. Howard Braverman of Hollywood, Florida. On June 24, 2000, Howard will be sworn in as the 79th president of the American Optometric Association (AOA) during the AOA's annual Congress in Las Vegas, Nevada. Howard's extraordinary vision and enthusiasm has made him an exemplary contributor to the healthcare community, and I congratulate him on this well deserved honor.

A graduate of both the University of Miami and the University of Houston College of Optometry, Dr. Braverman has exhibited an intense dedication to the profession of optometry at the local, state, and national levels, throughout his career. He is a past president of the Southern Council of Optometrists and the Florida and Broward County Optometric Associations. Additionally, he has served both as a member and as chair of the Florida State Board of Optometry. Howard's resume in the field of optometry is quite impressive: he has previously been named Broward County's and Florida's Optometrist of the Year in 1985, Florida's Optometrist of the Decade in 1991, and a member of the board of trustees of the AOA.

In addition to his noteworthy professional achievements, the South Florida community has greatly benefited from Howard's leadership due to his active participation in civic affairs. Well known for his devotion to volunteer work within the community, Dr. Braverman is also a past president of the local Rotary Club.

Mr. Speaker, through his unique vision and spirit, Dr. Howard Braverman has distinguished himself as an outstanding leader in the South Florida community. I wish to convey a heartfelt congratulations to Howard and his family on the occaision of his becoming the new president of the American Optometric Association, as well as many thanks for working to enrich the lives of those around him.

TRIBUTE TO CONNIE MOORE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Connie Moore of Bonnie, IL. On March 7, 2000, Connie was awarded the Illinois Women of Achievement award. Lt. Governor Corrine Wood and Mayor Jim Dycus of Bonnie presented Connie with the award at a ceremony and reception held in the rotunda of the State Capitol in Springfield.

Connie was honored for demonstrating excellence in her professional and volunteer work and committing herself to enhancing her community. She was recognized for founding the Housing Rehabilitation Program and for serving as the secretary/treasurer of Bonnie for many years.

I want to thank Connie for her commitment to serve her community. She is an example for all of us to follow.

SALUTING KELLY AND JOHN THOMAS: TODAY'S STUDENTS, TOMORROW'S LEADERS

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. ROGAN. Mr. Speaker, too often, we in Congress take to heart the negativity so often seen in the news, on television, and in popular culture. It is refreshing however, to return home to our districts and see stories that inspire, motivate and remind us that this is not the case. Indeed, as I have recently seen, today's students are tomorrow's leaders.

In my home district, two local students, John and Kelly Thomas have taken their compassion for older Americans and united it with some technological know-how. Their efforts are proving that they are indeed shining examples of tomorrow's leaders. In honor of their recent accomplishments, and in recognition of their commitment to older Americans, I ask my colleagues here today to join me in saluting John and Kelly Thomas.

Kelly is a senior at Flintridge Preparatory School in La Canada Flintridge, California. As part of her community service requirement at school, she began playing the piano in area senior centers. And, as the Glendale News-Press recently reported, Kelly with the help of her younger brother John harnessed the power of a new home computer and began to reach out to seniors all across the country.

The brother and sister team had noticed that seniors throughout the community were often isolated and alone living in retirement homes. John and Kelly's new Internet site became a launching pad uniting seniors who are too often lonely with concerned neighbors online and in person. Their web site http://come.to/writeseniors.com, has brought people together and proved that John and Kelly, while still in high school are successful not just as businesspeople, but as concerned citizens as well.

In recognition of their accomplishments and with gratitude for their commitment to others in the community, I ask my colleagues to join me in saluting Kelly and John Thomas: Today's students, tomorrow's leaders.

MENTAL HEALTH AND SUICIDE ATTEMPTS BY CHILDREN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I submit the following article which appeared in the Houston Chronicle into the RECORD.

[From the Houston Chronicle, June 3, 2000]

PANEL TOLD OF MENTAL HEALTH ILLS/SUICIDE ATTEMPTS BY CHILDREN CITED

(By Janette Rodrigues)

Alma Cobb trembled with nervous tension Thursday as she told a roomful of strangers the ways her 14-year-old son, David, has tried to commit suicide since his first attempt at age 5.

But her voice was surprisingly firm.

''He tried to hang himself, stab himself and electrocute himself,'' Cobb testified during a hearing Thursday on children's mental health needs called by U.S. Rep. Sheila Jackson-Lee, D–Houston.

A transcript of the hearing will go into the congressional record. Jackson-Lee and Sen. Paul Wellstone, D–Minn., who also attended the hearing, hope to use the transcript in getting Congress to pass legislation improving children's mental health services.

Studies estimate that 13.7 million American school children suffer from mental health, emotional or behavioral problems. In the Houston area alone, more than 178,000 will need mental health care during their school years.

Suicide and entry into the juvenile criminal justice system are by-products, advocates say, of a society that shuns the issue and hasn't exerted the political will to address preventable problems.

Cobb's story and that of other such parents, services providers and mental health professionals was compelling, and sometimes moving.

But what Cobb has experienced is startling.

Her daughter, Clara, 14, also suffers from emotional and behavioral disorders. She first tried to kill herself at age 7. She and her brother have been absent from school because of their diagnosed mental illness and numerous hospitalizations related to suicide attempts.

Despite documentation of that fact, Cobb said later, the district where her children attend school considered her children truants, not sick, and fined her more than $3,000 and took her to court.

''Sometimes, my children can't attend school because of their mental illness and suicide attempts, but schools don't understand it,'' Cobb said, ''They just understand their regulations.''

Regenia Hicks, deputy director of child and adolescent services for the Harris County Mental Health/Mental Retardation Authority, is familiar with the Cobb family's story. The children receive services through the agency.

Hicks said their struggle with the school district is unusual but, unfortunately, not unheard of in cases involving children.

Studies show that at least one in five children and teens in America has a mental illness that may lead to school failure, substance abuse, violence or suicide.

Most such schoolchildren don't receive adequate help because of the stigma attached to their condition, the lack of early intervention and scarce resources, mental health care professionals and service providers told the hearing.

Speaker after speaker voiced the need for increased funding.

''In Texas, we must be particularly concerned that the state budget for children's mental health services has remained virtually flat since 1993, despite growth in both population and need,'' said Betty Schwartz, executive director of the Mental Health Association of Greater Houston.

''Current budget discussions offer little hope for improvement in the coming legislative session.''

Harris County Juvenile Court Associate Judge Veronica Mogan-Price said the piece of MHMRA's budgetary pie for juveniles is small.

She and others spoke of their frustration that the juvenile justice system has become a surrogate for mental health facilities.

Many said it's the norm in Harris County for mentally ill juveniles to get adequate help only after they commit an act that ends with them in a detention facility.

TRIBUTE TO THE CREWS OF SUBMARINES ''DARTER'' AND ''DACE'' AND ALL NAVY SUBMARINERS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. STUPAK. Mr. Speaker, on May 27 in Marquette, Michigan, a community in my congressional district a special ceremony was held to honor the officers and crew members of the submarines *Darter* and *Dace*, SS227 and SS247. These two submarines played a decisive role in what has been called the greatest naval battle of all time, the Battle of Leyte Gulf in October 1943.

The opening shots of that battle were fired by Marquette native Cdr. David McClintock, skipper of the *Darter*, who had positioned his sub to penetrate a powerful Japanese fleet, one that included the famous Japanese superbattleship *Yamato*.

As commander of the two-sub squadron, Captain McClintock had also helped position the *Dace* to make an independent attack on the 31-ship Japanese battle fleet.

Firing torpedoes from both his forward and stern tubes, Captain McClintock sank the heavy cruiser *Atago*, flagship of the Japanese Navy's Second Fleet, and he disabled another heavy cruiser. The *Dace* also sank one heavy cruiser. Two Japanese destroyers were forced to leave the battle fleet to guard the disabled cruiser, bringing to five the number of ships impacted by the *Darter-Dace* attack.

The daring combat actions of these two submarine crews and the essential naval intelligence they provided, were pivotal in helping to prevent a crushing blow to American forces that had just returned a few days earlier to the Philippines under the command of General Douglas MacArthur.

Mr. Speaker, this ceremony included a dedication of a new submarine exhibit at the Marquette Maritime Museum. This exhibit, which includes a submarine conning tower, is intended to honor not only the *Darter* and *Dace* crews but all U.S. Navy submariners, that special group of young heroes who have chosen to go ''in harm's way'' in dangerous and solitary service beneath the waves. A diorama of the battle, a three-foot scale model of the *Darter,* and a working periscope are also part of the exhibit.

Captain McClintock, who completed a career in the Navy before returning to Marquette after retirement, attended Saturday's service. His classmate at the Naval Academy, Captain B.D. Claggett, who commanded the companion submarine, the *Dace,* also attended the ceremony.

This was an extremely fitting way to commemorate Memorial Day, because it honored this special group of Americans, both living and dead. Perhaps one day, Mr. Speaker, you and our colleagues may have an opportunity to visit Marquette, Michigan and see this special permanent tribute to the unique individuals who have given so much on behalf of our country.

TRIBUTE TO RAY WOLFE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to honor Ray Wolfe of Edwardsville, IL. Ray is a veteran of World War II, whose army unit liberated the notorious Buchenwald death camp in Germany.

Ray is speaking out about the Holocaust. He has been interviewed by many as a witness to the Holocaust and its horrific events. Ray was invited back to Germany five years ago for the 50th anniversary of the Buchenwald liberation.

I would like to take this opportunity to thank Ray for his service to his country. His willingness to bring light to the Holocaust and to teach us about its horrors makes us eternally grateful.

SALUTING THE PASADENA PLAYHOUSE: CELEBRATING 75 YEARS OF LOCAL COMMITMENT TO THE ARTS

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. ROGAN. Mr. Speaker, one of the most important and active centers for the arts in Southern California is the Pasadena Playhouse. Later this month, this distinguished theatre company will celebrate its 75th anniversary. In recognition of this achievement, and in gratitude for the center's contributions to the arts in Pasadena, Los Angeles County, and to the state of California, I ask my colleagues to join me in saluting the Pasadena Playhouse.

The Pasadena Playhouse began as nothing but a dream. After a group of dedicated Pasadena area residents united to promote the arts, the center opened its doors in May 1925. Since then, it has grown from a small community theater company into a national arts leader, taking musicals, dramas and other stage performances from concept planning to opening day.

In the years since its opening, the Pasadena Playhouse has revolutionized theater arts in Southern California. To many in the industry, the playhouse has put Southern California stage productions on the map. Numerous productions have moved on from Pasadena to Broadway, were made into feature films or continued on as national touring shows. In 1996, the production, Sisterella broke local house records receiving eight NAACP Theatre Awards, including Best Play. This is just one of the many successful shows to open in Pasadena every year.

In addition, the theatre has become the center of a large community-based arts program. The Pasadena Playhouse is home to a half-dozen original plays each year, with 300 annual performances. The artists who produce, write, direct and star in these plays have also played a vital role in the community, leading lecture series, arts programs, classes and open houses for residents young and old.

On the occasion of its 75th anniversary, the theatre has been recognized as the state theatre of California. To help the city and the state commemorate this significant occasion, I ask my colleagues to join me in saluting the men and women who have brought the arts to our community for nearly a century, and helped to put Pasadena and Southern California on the map in the theatre world: Congratulations to the Pasadena Playhouse for 75 successful years.

REMEMBERING JAMES BYRD JUNIOR

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I express my grief and shame that after 2 years from the date of James Byrd Junior's vicious murder on a paved road in Jasper County, TX, that the Bipartisan Hate Crimes Prevention Act of 1999 has not become law.

Only recently have men been indicted to face trial in the nearly 40-year-old murders of three African-American children who were killed one Sunday morning by a bomb while they participated in services at the 16th Street Baptist Church. This terrible act galvanized the civil rights movement and began a shout for justice, which may at last be answered in a court of law as two Ku Klux Klansmen in Alabama's Jefferson County are finally being brought to justice for the 1963 bombing.

As the years passed from the time of the bombing, it was felt that America had made great strides until the night of June 7, 1998 when this Nation's deepest sin was revealed by the murder of James Byrd Jr.

There is no case, which more graphically reminds this Nation that the submerged intolerance caused by racism that the steeps throughout the fabric of our society can erupt into gangrenous crimes of hate violence like the murder of James Byrd in Jasper, TX.

We mark the second anniversary of his killing today with 1-minute speeches so that we can impress upon our fellow Members of the House the importance of passing strengthened hate crimes legislation.

The lynching of James Byrd struck at the consciousness of our Nation, but we have let complacency take the place of unity in the face of unspeakable evil. It was difficult to imagine how in this day and age that two white supremacists beat Byrd senseless, chained him by the ankles to a pickup truck and then dragged him to his death over 3 miles of country back roads.

I regret to inform this body that the Chief Executive of Texas did not attend Mr. Byrd's funeral and was active in opposing the passage of stronger hate crime legislation for the State of Texas. This level of passivity on the part of leadership in response to this terrible crime has left this Nation without the critical leadership it needs to face the truth regarding hate crime in American society.

Since James Byrd Jr's death our Nation has experienced an alarming increase in hate violence directed at men, women and even children of all races, creeds and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh, Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the west side of Pittsburgh which now leaves him charged with killing five. His shooting victims included a Jewish woman, an Indian, ''Vietnamese,'' Chinese, and several black men.

The decade of the 1990's saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed ''The Summer of Hate'' as each month brought forth another appalling incident, commencing with a 3-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities, like the wave of church burnings across the South, illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

This legislation will make it easier for Federal authorities to assist in the prosecution of racial, religious and ethnic violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson: By loosening the unduly rigid jurisdictional requirements under federal law. Current law (18 U.S.C.A. 245) only covers a situation where the victim is engaging in certain specified federally protected activities. The legislation will also help plug loopholes in State criminal law, as 10 States have no hate crime laws on the books, and another 21 States fail to specify sexual orientation as a category for protection. This legislation currently has 191 cosponsors, but has had no legislative activity in this House.

It is long past time that Congress passed a comprehensive law banning such atrocities. It is a Federal crime to hijack an automobile or to possess cocaine, and it ought to be a Federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to Federal law enforcement assistance and prosecution.

Therefore, I would urge fellow members of the United States House of Representatives to be counted among those who will stand for justice in this country for all Americans and nothing else.

TRIBUTE TO MARY ANN BARTUSCH AND ROSEANN PALLADINO, LONGTIME CHICAGO EDUCATORS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. LIPINSKI. Mr. Speaker, I rise to pay tribute to two longtime educators who are retiring

from the Chicago Public School system (CPS) this year. After several years of tremendous service, Mary Ann Bartusch and Roseann Palladino will be leaving Byrne Elementary School in Southwest Chicago. These teachers are perfect examples of the continuously hard-working, but often-unrecognized efforts of teachers in the 3rd Congressional District of Illinois. It gives me great pride to share with you their stories and accomplishments.

Mary Ann Bartusch graduated from Bradley University in Peoria, Illinois, majoring in Speech Language Pathology. For 34 years, Mary Ann served the Chicago Public Schools as a speech language pathologist. She began her career at Baum Elementary School (now Tonti Elementary School). In addition to John F. Kennedy High School, she then served at John C. Dore, Blair, Kinzie, Francis McKay, Mark Twain, Sawyer, and Michael M. Byrne Elementary Schools. For over three decades, Mary Ann gained the trust and love of her often disadvantaged students who found communication with her remarkably easy.

Mary Ann's avocations included volunteering for local Brownies and Girl Scouts organizations. Her daughters were active in 4H and received several awards, gaining their mother's pride. In Mary Ann's well-deserved leisure time, she pursues gardening and air-travel.

Roseann Palladino spent over 35 years in Chicago as a distinguished science teacher. In 1964, she graduated from Chicago Teacher's College with a Bachelors of Education (B.E.) degree. Eleven years later, she received a Master of Arts (M.A.) degree from the Illinois Institute of Technology's (IIT) Design program.

Her service to Chicago's youth began at Gershwin Elementary School, where she served for 8½ years. After 15 years at Morrill, she spent the last 12 years at Byrne Elementary.

Over the years, Roseann participated in several school trips, and appropriately received numerous awards and recognition. Commenting on her retirement, Roseann humbly stated: ''My thanks for all my years of service in Chicago is the love and success I see in all the children I have taught.''

Again, I was pleased to learn of the retirement and wonderfully productive lives of Mary Ann Bartusch and Roseann Palladino. In a time when these educators are receiving numerous recognition and praise, I gladly echo my own thanks from the halls of the U.S. Congress. These two educators represent the day-to-day hard work and compassion that steer Chicago's youth toward successful futures. Mr. Speaker, I wish Mary Ann Bartusch and Roseann Palladino a well-deserved long and happy retirement.

TRIBUTE TO JOHN FRIDLEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend John Fridley of New Baden, IL. John has devoted his time and energy to being a servant and volunteer in his community. Besides the demand of a full-time job and continuing education, John has spent hours volunteering for youth sports, educational, church, and charity work.

He is now a member of the Wesclin Community Unit School board, as well as the board of the Kaskaskia Special School District and the advisory board at Belleville Area College for Office Administration and Technology. John is also very involved in his local church, St. George's Catholic Church.

John understands what it means to serve others, and because of this I want to recognize his efforts to make his community a better place to live. I thank him for his dedication and commitment.

HONORING THE CAREER OF GINGER BREMBERG

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. ROGAN. Mr. Speaker, last month, the City of Glendale witnessed the end of an era in local politics: longtime public servant Ginger Bremberg retired from office. Ginger is a seasoned politician, more focused on doing what was right than doing what is easy.

After nearly a decade and a half, she has left her mark on Glendale. Today, my hometown is one of the most prosperous and fiscally healthy cities in the region. In recognition of Ginger's service and dedication to our community, I ask my colleagues here with me today to join me in saluting Ginger Bremberg.

Ginger did not come to elected office early in life, or out of aspirations of higher office. After graduating from Beloit College in Wisconsin, she moved across the country with her husband Bruce and their young family. She focused on raising her two sons Chuck and Blair. In her spare time, she volunteered with community or education organizations.

More than two decades ago, Ginger moved to Glendale, California, bringing with her this solid background of service. In 1981, she was elected to the Glendale City Council, as the largest single vote-getter. She served on the council until this year, including three terms as mayor.

On the Glendale City Council, Ginger built a reputation as a straight-talking official, willing to stand for principle before politics. She immersed herself in policy details, studying for hours how potential decisions would affect not just her city, but each of its residents.

At City Hall, Ginger focused on revitalizing Glendale's economic base, bringing in new businesses, corporate headquarters and thousands of new jobs. Working overtime every week, she put her constituents first—she kept her telephone number and home address listed, and frequently talked from home with area residents who were pleased when their mayor answered her home phone.

Ginger also worked as a member of President Reagan's National Council on Historic Preservation. She worked tirelessly to preserve open space and historic resources in Glendale, while working to make the city friendly to homeowners and businesses alike. Ginger has built a reputation for fairness, honesty and service with integrity.

In recognition of her two decades of service to our community, and in gratitude for her commitment to making the City of Glendale the best it can be, I ask my colleagues here today to join me in saluting the career of Ginger Bremberg.

SALUTE TO THE MAKE-A-WISH FOUNDATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. NORTON. Mr. Speaker, I rise today to salute the 20th anniversary of the Make-A-Wish Foundation, which has brought happiness and joy to thousands of children around the world. On April 29, a seven-year-old boy in Arizona had one wish: he wanted to become a police officer. Friends and neighbors granted his wish. The boy became an honorary state trooper and received his own uniform. From this boy's experience arose the Make-A-Wish Foundation.

Twenty years later, the organization has fulfilled the wishes of more than 500 District of Columbia children and more than 80,000 worldwide. In the last year alone, the Foundation has granted the wishes of 70 District children who are fighting life-threatening illnesses.

This year, the Make-A-Wish Foundation will grant the wishes of approximately 8,000 children. Some of the popular wishes, of course, include a trip Walt Disney World, computers, shopping sprees and visits with celebrities. But each year, about 25 children ask for trips to our nation's capital, where they witness what District residents have always known—that Washington, D.C., is a beautiful city with kind and generous citizens.

Mr. Speaker, I ask my colleagues to join me in this 20th anniversary salute to the Make-A-Wish Foundation for a job well done.

A SALUTE TO REPRESENTATIVE STEPHEN S.F. CHEN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. LIPINSKI. Mr. Speaker, since the Republic of China moved its seat of government to Taiwan in 1949, it has overcome many difficulties and achieved many successes. Where Taiwan was once a war-torn island with a per capita annual income of less than $300, today that figure has surpassed $13,000. Taiwan is now an economic powerhouse and one of the largest markets for U.S. products in the world. Already, Taiwan holds the third largest foreign exchange reserves in the world, and this year, its economy is expected to grow by another 6.7 percent.

Taiwan's successes have not been limited strictly to the realm of economics. Over the last few decades, Taiwan has consolidated its status as one of Asia's most vibrant and viable democracies. Following the lifting of bans on the creation of new political parties and the growth of the free media in the 1980s, Taiwan has gradually expanded the scope of its electoral politics by holding direct elections for the President and the Parliament. This year, on March 18, the people of Taiwan once again exercised their democratic rights and elected a new administration that will take office on May 20.

This unprecedented development will mark the first peaceful exchange of ruling power from one political party to another in the history of Chinese civilization and will enhance

Taiwan's role as a model of democracy for the people of mainland China. It is my hope that as the powerful influence of Taiwan's democracy grows, so too will the momentum for the peaceful resolution of issues between the two sides of the Taiwan Strait.

At this time of great hope and opportunity, Taiwan's principal representative to the U.S. and the head of the Taipei Economic and Cultural Representative Office in Washington, D.C., Representative Stephen S.F. Chen, has announced his retirement after 40 years of service in Taiwan's corps. It is because of his efforts that Taiwan has maintained its prestige and standing in the international community. His steady hand has helped steer Taiwan through the good times and the bad, and it is clear that the international community has been enriched by his work. Representative Chen's professionalism and diplomatic skills are second to none, and I wish to thank him for his tireless efforts to further strengthen the close and friendly ties between Taiwan and the U.S.

Mr. Speaker, I wish to salute the 23 million people who live in the prosperous democracy on Taiwan. I also salute Representative Chen for his patriotism, dedication, and friendship. On the occasion of his retirement, I invite my colleagues to join me in extending our best wishes and sincere appreciation for all that Stephen Chen has done, and most importantly, for all that he will continue to do as he moves on to write the next brilliant chapter of his life's work.

TRIBUTE TO SENIOR SAINTS HALL OF FAME AWARD WINNERS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize 12 Jefferson County, IL residents who have been selected as this year's Senior Saints Hall of Fame award winners. The Senior Saints are: Everett D. Atkinson, Bob Beck, Margaret Benton, Anne Garrison, Don Hahn (posthumously), Frank Hazlip, L. Joan Kent (posthumously), Virginia Riley, Ellis Roane, Christina Stables, Merle Tate, and Samuel Totten.

I want to thank these 12 individuals who have devoted so much of themselves to their community, their friends, and their family. I join with the city of Mt. Vernon, the Jefferson County Board, and the Jefferson County Chamber of Commerce in honoring these Senior Saints for their achievement.

TRIBUTE TO ARLENE E. WILSON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. CRANE. Mr. Speaker, today I want to praise the work of Arlene E. Wilson, a Specialist in International Trade and Finance at the Congressional Research Service. Dr. Wilson is retiring after 23 years at CRS, where she conducted major studies, briefings, and seminars on international trade and financial issues for Members of Congress and Congressional staff. Dr. Wilson's knowledge of trade and international finance is so broad and deep and her communication skills so excellent that she is able to explain the European Monetary Union and make U.S. antidumping laws understandable.

Dr. Wilson holds a B.A. in history from St. Lawrence University in Canton, New York, an M.A. in economics from the University of Michigan, and a Ph.D. in economics from New York University. Prior to coming to CRS in 1977, Dr. Wilson was a research associate at the New York Stock Exchange and a lecturer in economics at Marymount College in New York City, and at George Mason University in Fairfax, Virginia.

Over the years, she has written 72 reports for Congress, many on international finance issues such as trade and payments balances, the international banking system, and the European Monetary Union. Eight of her reports appeared in committee prints; six others were published by the Fund for Public Policy Research in Studies in Taxation, Public Finance and Related Subjects—A Compendium.

Dr. Wilson has proven to be an authority on foreign trade as well as one on international finance. During one of the most intense trade debates in recent memory, Dr. Wilson led the CRS team covering the North American Free Trade Agreement (NAFTA) in the early 1990s and has written on many aspects of NAFTA: the broad economic perspective; economic comparisons of the United States, Mexico, and Canada; U.S. jobs at risk; the peso-dollar exchange rate; the Mexican peso devaluation; and the impact of NAFTA after it went into effect.

Before NAFTA, Dr. Wilson coordinated the CRS efforts on the U.S.-Canada free trade agreement. She led a workshop and wrote up proceedings on the potential effects of the agreement on the United States and coordinated the work of 16 CRS analysts on the agreement's possible effects on U.S. industries. Her study examining the U.S.-Canada agreement after one year was printed in the Bulletin of The Atlantic Council of the United States.

An expert on almost every aspect of the World Trade Organization, Dr. Wilson has written on the antidumping and services agreements reached during the Uruguay Round, on trade and the environment, and on fast-track trade negotiating authority. She had principal responsibility of analyzing future negotiations in the WTO. Even after she leaves, her work on the WTO will continue to assist Congress as we face a decision on our participation in the WTO.

From 1983 to 1987, Dr. Wilson served as Head of the International Section in the Economics Division. She participated in the U.S. Congressional Task Force for Interparliamentary Cooperation in 1995 and 1996, and spoke on the European Monetary Union for the USIA Germany Speaker Program in 1997 and at the Foreign Service Institute of the Department of State in 1998, 1999, and 2000. She coauthored a course guide entitled ''International Economics'' for a course sponsored by the University of Maryland.

Dr. Wilson is without question an expert in her field. She has served the Congress at the highest level of expertise and has assisted us on virtually every major trade issue of our time. We wish her well on her retirement and thank her for her outstanding service.

INTRODUCTION OF THE FAIR PAY ANTI-RETALIATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. NORTON. Mr. Speaker, each year, the President, in his State of the Union address, exhorts the Congress to honor families with equal pay for women. Each year, the Congress, as if on cue, rises in agreement and applauds itself. It's time not only to rise to the President's words, but to rise to the occasion.

Two bills provide the opportunity. My Fair Pay Act directly attacks the major pay problem women face in today's workplace—the often discriminatory pay reserved for the traditional sex-segregated jobs that most women perform. If not my bill, surely it's time to pass the Paycheck Fairness Act, which I strongly support. That bill is not a new departure, but it does strengthen existing enforcement. The best evidence that stronger Equal Pay Act enforcement is needed is right here under our congressional noses. The women custodial workers who serve the U.S. Congress have waged a three-year battle alleging that they are paid a dollar less hourly than men who do the same or similar work. The women's lawsuit has been validated by a federal court as a certified class action. As a former chair of the Equal Employment Opportunity Commission, I know a solid Equal Pay Act case when I see one. As a Member of the Congress, I now know what it means to be an embarrassed defendant who may lose an Equal Pay Act case any day.

Today, to get some movement on equal pay for American women, to get more than a rise out of the Congress, to call the question, I am introducing as a separate bill the non-retaliation section common to both the Paycheck Fairness Act and the Fair Pay Act. Both bills make it a violation to intimidate employees who inquire of their fellow workers or others about the pay these employees receive or the pay practices of the employer. In the absence of more comprehensive legislation, this non-retaliation provision at least would allow women to engage in self-help where necessary by seeking pay increases based on what they, themselves, learn about the pay practices where they work.

Our message is simple: Start with the Fair Pay Act, or start with the Paycheck Fairness Act, or start with the provision that allows women, themselves, to start with self-enforcement. Start where you like—but Congress must not go home for the July 4th recess without making a start on fair pay for American women and their families. We've had it with standing up for the right words. It's time to stand up and be counted for an equal pay bill.

TRIBUTE TO WESTHILL HIGH SCHOOL GIRL'S SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. WALSH. Mr. Speaker, on Saturday, November 20, 1999, the Westhill High Warriors defeated the St. Thomas Aquinas of Rochester 2–1 in sudden death overtime to win the

New York State Class B Girls Soccer Championship. This was a great win for the Warriors, who were outshot 23–7, but still managed to hold on for the victory. Although there were few scoring chances, Westhill's all-time leading scorer Courtney Spencer put the Warriors on the scoreboard first. Then, in the second overtime, Meagan Rogers, a senior midfielder, scored the game winner on a great header from teammate Leanne Guinn. On defense, Westhill sophomore goalie Ally Walker had a stellar showing to keep the Warriors in the game and was applauded for her talents as goalie of the game.

The entire team gave an outstanding performance throughout the season, putting Westhill's soccer team among the best in the country. Not only did the girls win the championship but just two months earlier gave their coach Ann Riva her 300th career win. However, winning the championship was extra special to her. According to the local newspapers, Coach Riva said this state championship was the most memorable in her career. Many parents and fans felt from the very beginning that this team with its special chemistry was destined for great things.

I am very proud of these young women, who have exhibited discipline, sportsmanship, and love of sports while representing their school in the very finest Westhill tradition. I am equally proud of the Westhill Athletic Department, the parents, and administrators who are so supportive of this outstanding group of fine young athletes.

TRIBUTE TO JOSEY KUNZ

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Josey Kunz of Bluffs, IL. Josey, a fourth grader from Bluffs Elementary School was one of only four State Organ/Tissue Donor Poster Contest winners.

I would like to take this opportunity to congratulate Josey for his talent and accomplishment. He is an exceptional young man who has made me and the people of my district proud.

TRIBUTE TO FATHER JIM WILLIAMS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. STUPAK. Mr. Speaker, today I honor Father Jim Williams, a Catholic priest whose parish is located on beautiful and historic Mackinac Island in my northern Michigan congressional district.

It was from this spot in the U.S. House that I rose in July 1996 to call the attention of the nation to the tricentennial celebration of Ste. Anne's de Michilimackinac Church. Today I honor Father Jim, who spearheaded the fundraising effort to restore the historic church. I honor him on the occasion of the 30th anniversary of his ordination, and on the occasion of his receipt of the Mackinac Island Community Foundation's first ''Community Service Award.'' Mr. Speaker, I can tell you there is no more fitting recipient.

A special ceremony on June 4 recognized Father Jim's many community accomplishments and his unique, personal and loving ministry. Michigan Governor John Engler and Michigan Attorney General Jennifer Granholm served as honorary co-chairpersons of this event, which took place at Mackinac Island's remarkable Grand Hotel. To further honor Father Jim, the Grand Hotel generously donated a reception, dinner and hotel stay for guests of the event.

Every servant of God must follow his own path, trusting the Voice within to lead him toward his life's mission. Father Jim, born a Methodist in Pontiac, Michigan, graduated from the University of Michigan in 1963 with a double major in history and literature. Working on Isle Royale, a remote park in Lake Superior, he met the priest responsible for his eventual conversion to Catholicism.

He was ordained while living on the Bay Mills Indian Reservation on the Lake Superior shore, and in the next ten years adopted or served as foster parent to 12 children. Perhaps unique among Catholic clergy, Father Jim has numerous grandchildren and even one great-grandson, Little Bear.

He was so near Mackinac Island then, but his path carried him instead to sea, where he served as chaplain aboard the aircraft carriers *Nimitz, Kennedy* and *Coral Sea.* In 1986 his path led him back to Upper Michigan, and in 1990 Father Jim came to Mackinac Island.

The sense of a community that is part of island living must be what suits him best. It was on a Great Lakes island that his new faith took root and it is now on another Great Lakes island that his role as community shepherd has flowered. ''This is the place I've loved being the most,'' Father Jim says of his parish. ''I love being part of a community with so few walls, where there is such a great mix of people, rich and poor, a wide variety of cultures, nationalities and races. The magic of the Island is the magic of its people, and the magic of the people is the mix of many peoples.''

In his work to restore Ste. Anne's, Father Jim made sure it would have a community room in the basement, and this room is open to the Jamaican, Mexican and Filipino workers three nights a week as a place they can gather and celebrate their own cultures. For these workers, Father Jim has started classes in English as a second language.

Because of Father Jim, the island has Teen Night, a night for the island's youth to gather as a drug- and alcohol-free option. Father Jim started a ''Take Your Wife Out to Dinner,'' night once a week, and weekly square dancing. A ribbon cutting will soon be held for affordable housing units, another project that Father Jim helped bring to fruition.

My wife Laurie and I were honored last year on our 25th wedding anniversary with a mass celebrated by Father Jim at Ste. Anne's with our sons Ken and Bart Jr. Even though we are residents of Menominee, Michigan, we were grateful to receive the blessings and prayers of our dear friend on Mackinac Island for our special personal celebration.

A man of God finds his own reward and does not seek our praise for his work. But I know Father Jim appreciates the fact that he can be a model and an inspiration to others, who may not know how much one man can accomplish. Mr. Speaker, in these remarks, I hope that some of the power of the good works of this island priest shine through.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 8, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

Time to be announced
Commerce, Science, and Transportation
To hold hearings to examine the practices of Internet network advertisers and steps that can be taken to improve consumers' privacy online.
SR–253

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
Financial Institutions Subcommittee
To hold joint hearings to examine the Merchant Banking Regulations pursuant to the Gramm-Leach-Bliley Act of 1999.
SD–538

10 a.m.
Environment and Public Works
To hold hearings on the nomination of James V. Aidala, of Virginia, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency; the nomination of Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development; and the nomination of Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.
SD–406
Health, Education, Labor, and Pensions
To hold hearings to examine drug safety and pricing.
SD–430
Judiciary
To hold hearings to examine post-conviction DNA testing.
SD–226

2 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the situation five years after the Dayton Agreement which ended the war in Bosnia-Herzegovina.
B318 Rayburn Building

JUNE 14

9:30 a.m.
Indian Affairs
To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.
SR–485
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the environmental benefits and impacts of ethanol under the Clean Air Act.
SD–406
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

10 a.m.
Governmental Affairs
Business meeting to markup pending calendar business.
SD–342

JUNE 15

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's proposed highway diesel fuel sulfur regulations.
SD–406
Energy and Natural Resources
To hold hearings on certain provisions of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly.
SD–366

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on the United States General Accounting Office March 2000 report entitled''Need to Address Management Problems that Plague the Concessions Program''.
SD–366

JUNE 20

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on pending business.
SD–430

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SH–216
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.
SR–253

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine medical device reuse.
SD–430

JUNE 27

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.
SD–430

JUNE 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JULY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

9:30 a.m.
Indian Affairs
To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

JUNE 14

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations.
SD–366

Daily Digest

HIGHLIGHTS

The House passed H.R. 4576, DOD Appropriations for FY 2001.

House Committees ordered reported 13 sundry measures, including the VA, HUD and Independent Agencies appropriations for fiscal year 2001.

Senate

Chamber Action

Routine Proceedings, pages S4607–S4719

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 2685–2692, S. Res. 317–318, and S. Con. Res. 120. **Page S4669**

Measures Passed:

National Opera: Senate passed H.R. 4542, to designate the Washington Opera in Washington, D.C., as the National Opera, clearing the measure for the President. **Pages S4717–18**

Honoring U.S.S. Thresher Casualties: Senate agreed to S. Res. 318, honoring the 129 sailors and civilians lost aboard the U.S.S. Thresher (SSN 593) on April 10, 1963; extending the gratitude of the Nation for their last, full measure of devotion; and acknowledging the contributions of the Naval Submarine Service and the Portsmouth Naval Shipyard to the defense of this Nation. **Page S4718**

Organ Procurement Organization Certification Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 2625, to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations, and the bill was then passed. **Pages S4718–19**

National Defense Authorization: Senate continued consideration of S. 2549, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto:

Pages S4607–35, S4637–61

Adopted:

By 96 yeas to 1 nay (Vote No. 117), Warner further Modified Amendment No. 3173, to extend eligibility for medical care under CHAMPUS and TRICARE to persons over age 64.

Pages S4607, S4627, S4631

By 51 yeas to 47 nays (Vote No. 119), Warner Amendment No. 3184 (to Amendment No. 3183), to provide for correction of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems, and authority to waive limitation. **Pages S4607–20, S4633**

Kerrey Amendment No. 3183, to repeal a limitation on retirement or dismantlement of strategic nuclear delivery systems in excess of military requirements. **Pages S4607–20, S4633**

Reid Amendment No. 3198, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation. **Pages S4634–35**

Wellstone Amendment No. 3211, to express the sense of Congress condemning the use of children as soldiers in current foreign armed conflicts and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights. **Pages S4650–51**

Rejected:

By 35 yeas to 63 nays (Vote No. 120), McCain/Levin Amendment No. 3197, to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2003 and 2005. **Pages S4638–49**

Pending:

Smith (of NH) Amendment No. 3210, to prohibit granting security clearances to felons. **Pages S4651–60**

McCain Amendment No. 3214 (to Amendment No. 3210), to require the disclosure of expenditures and contributions by certain political organizations. **Pages S4656–60**

During consideration of this measure today, the Senate also took the following action:

A point of order was made that Johnson Amendment No. 3191, to restore health care coverage to retired members of the uniformed services, was in violation of Section 302(f) of the Congressional Budget Act and, by 52 yeas to 46 nays (Vote No. 118), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive the aforementioned section with respect to consideration of the amendment. Subsequently, the point of order was sustained and the amendment thus fell. **Pages S4620–33**

A unanimous-consent-time agreement was reached providing for further consideration of the bill and a certain amendment to be proposed thereto, on Thursday, June 8, 2000. **Page S4719**

A unanimous-consent-time agreement was reached providing for further consideration of the McCain Amendment No. 3214 (to Amendment No. 3210), listed above, on Thursday, June 8, 2000, with a vote to occur thereon. **Page S4660**

Appointment:

First Flight Centennial Federal Advisory Board: The Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, pursuant to Public Law 105–389, announced the appointment of Robert R. Ferguson III of North Carolina to serve as a member of the First Flight Centennial Federal Advisory Board. **Page S4717**

Messages From the House: **Pages S4667–68**

Measures Referred: **Page S4668**

Communications: **Page S4668**

Executive Reports of Committees: **Pages S4668–69**

Statements on Introduced Bills: **Pages S4669–90**

Additional Cosponsors: **Pages S4690–92**

Amendments Submitted: **Pages S4694–S4716**

Notices of Hearings: **Page S4717**

Authority for Committees: **Page S4717**

Additional Statements: **Pages S4665–67**

Privileges of the Floor: **Page S4717**

Record Votes: Four record votes were taken today. (Total—120) **Pages S4631–33, S4649**

Recess: Senate convened at 9:31 a.m., and recessed at 8:05 p.m., until 9:30 a.m., on Thursday, June 8, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4719.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 1474, providing conveyance of the Palmetto Bend project to the State of Texas, with an amendment in the nature of a substitute;

S. 1612, to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska, with an amendment in the nature of a substitute;

S. 1894, to provide for the conveyance of certain land to Park County, Wyoming, with an amendment in the nature of a substitute;

S. 1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, with an amendment in the nature of a substitute;

S. 729, to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land;

S. 2239, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins, with an amendment;

S. 1438, to establish the National Law Enforcement Museum on Federal land in the District of Columbia, with an amendment in the nature of a substitute;

H.R. 2879, to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech, with an amendment in the nature of a substitute.

S. 2343, to amend the National Historic Preservation Act for the purposes of establishing a national historic lighthouse preservation program, with amendments;

S. 2352, to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute;

H.R. 1749, to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System;

H.R. 3201, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site;

S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary, with an amendment;

S. 1670, to revise the boundary of Fort Matanzas National Monument;

S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi;

S. 2478, to require the Secretary of the Interior to conduct a theme study on the peopling of America, with amendments;

S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, with an amendment;

H.R. 940, to establish the Lackawanna Heritage Valley American Heritage Area, with an amendment in the nature of a substitute;

H.R. 2932, to direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah;

S. 1998, to establish the Yuma Crossing National Heritage Area, with an amendment;

S. 2247, to establish the Wheeling National Heritage Area in the State of West Virginia, with amendments;

S. 2421, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts;

S. 2511, to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, with amendments;

S. 2439, to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system;

S. 610, to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, with an amendment in the nature of a substitute; 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, with an amendment.

PUBLIC LAND MANAGEMENT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State, S. 2069, to permit the conveyance of certain land in Powell, Wyoming, and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county, after receiving testimony from Representative Gibbons; Pete Culp, Assistant Director, Minerals and Realty, Bureau of Land Management, Department of the Interior; Tom Sansonetti, Holland and Hart, Cheyenne, Wyoming, on behalf of the National Mining Association; Greg Schaefer, Arch Coal, Inc., Wright, Wyoming; Dan Frehner, Lincoln County Commission, Pioche, Nevada; and Vaughn Higbee, Lincoln County School District, Panaca, Nevada.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. 2677, to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe;

S. 2682, to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America;

S. 2460, to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda;

S. Res. 303, expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty, with an amendment;

S. Con. Res. 117, commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security;

S. Con. Res. 118, commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940;

H. Con. Res. 304, expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarussian people, and calling on the Russian Federation to respect the sovereignty of Belarus;

H. Con. Res. 251, commending the Republic of Croatia for the conduct of its parliamentary and presidential elections, with an amendment;

Inter-American Convention Against Corruptions (''the Convention''), adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996. The Convention was signed by the United States on June 27, 1996, at the twenty-seventh regular session of the OAS General Assembly meeting in Panama City, Panama (Treaty Doc.105–39); and

The nominations of John R. Dinger, of Florida, to be Ambassador to Mongolia; Edward William Gnehm, Jr., of Georgia, to be Ambassador to Australia; David N. Greenlee, of Maryland, to be Ambassador to the Republic of Paraguay; Marc Grossman, of Virginia, to be Director General of the Foreign Service; Donna Jean Hrinak, of Virginia, to be Ambassador to the Republic of Venezuela; Susan S. Jacobs, of Virginia, to be Ambassador to Papua New Guinea and to serve concurrently and without additional compensation as Ambassador to Solomon Islands, and as Ambassador to the Republic of Vanuatu; Daniel A. Johnson, of Florida, to be Ambassador to the Republic of Suriname; Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors; Rose M. Likins, of Virginia, to be Ambassador to the Republic of El Salvador; Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors; John Martin O'Keefe, of Virginia, to be Ambassador to the Kyrgyz Republic; Anne Woods Patterson, of Virginia, to be Ambassador to the Republic of Colombia; W. Robert Pearson, of Tennessee, to be Ambassador to the Republic of Turkey; V. Manuel Rocha, of California, to be Ambassador to the Republic of Bolivia; John F. Tefft, of Virginia, to be Ambassador to the Republic of Lithuania; James Donald Walsh, of California, to be Ambassador to Argentina; and certain Foreign Service Officer promotion lists.

SATELLITE EXPORT CONTROLS

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded oversight hearings to examine progress made in improving the system of satellite export controls since the Congress transferred responsibility for licensing commercial satellites from the Commerce Department to the State Department, after receiving testimony from John D. Holum, Senior Adviser for Arms Control and International Security Affairs, Department of State; William A. Reinsch, Under Secretary of Commerce for Export Administration; James M. Bodner, Principal Deputy Under Secretary of Defense for Policy; and Clayton Mowry, Satellite Industry Association, Alexandria, Virginia.

ANESTHESIA SERVICES

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings to examine the standards and rules that guide the delivery of anesthesia services to Medicare patients, and proposed legislation to require the Secretary of the Health and Human Services Department to conduct a ''comparative outcomes'' study on the impact of physician supervision on the mortality and adverse outcome rates of Medicare patients to the provision of anesthesia services, after receiving testimony from Michael D. Fallacaro, Virginia Commonwealth University, School of Allied Health Professions, Medical College of Virginia Campus, Richmond, and Jan Stewart, Seattle, Washington, both on behalf of the American Association of Nurse Anesthetists; Ellison C. Pierce, Jr., Anesthesia Patient Safety Foundation, Boston, Massachusetts; and Jeffrey H. Silber, Center for Outcomes Research, Children's Hospital of Philadelphia, Pennsylvania.

COLORADO UTE INDIAN WATER SETTLEMENT ACT

Committee on Indian Affairs: Committee concluded joint hearings with Committee on Energy and Natural Resources' Subcommittee on Water and Power on S. 2508, to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, after receiving testimony from David J. Hayes, Deputy Secretary of the Interior; Kent Holsinger, Assistant Director, Colorado Department of Natural Resources, and Wendy Weiss, Colorado Office of the Attorney General, both of Denver; Thomas C. Turney, New Mexico Office of the State Engineer, Santa Fe; Ernest House, Ute Mountain Ute Tribe of Colorado, Towaoc; John Baker, Jr., Souther Ute Indian Tribe, Ignacio, Colorado; Robert Wiygul, Denver, Colorado, on behalf of the Sierra Club, Four Corners Action Coalition, Taxpayers for the Animas River and Earthjustice Legal Defense Fund; and Jill Lancelot, Taxpayers for Common Sense, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 7 public bills, H.R. 4592–4598; 1 private bill, H.R. 4599; and 3 resolutions, H. Con. Res. 347–348 and H. Res. 517, were introduced. Page H4035

Reports Filed: Reports were filed today as follows:

H.R. 3125, to prohibit Internet gambling, amended, and referred sequentially to the House Committee on Commerce for a period ending not later than June 23, 2000 (H. Rept. 106–655, Pt. 1);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (H. Rept. 106–656);

H. Res. 518, providing for consideration of H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–657); and

H. Res. 519, providing for consideration of H.R. 8, to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period (H. Rept. 106–658). Page H4034

San Rafael Western Legacy District and National Conservation Act: The House completed general debate and considered amendments to H.R. 3605, to establish the San Rafael Western Legacy District in the State of Utah. The Committee of the Whole House on the state of the Union rose leaving the bill as unfinished business. Pages H3943–61

Agreed To:

Hansen amendment printed in H. Rept. 106–654, as amended, that specifies the boundaries of the Legacy District. Earlier, agreed to Boehlert substitute to the Hansen amendment that expanded the boundaries of the Legacy District; Pages H3943–44

Udall of Colorado amendment, as amended, that provides protective status to each section of the Conservation Area pending the completion of the management plan. Earlier agreed to Boehlert substitute to the Udall of Colorado amendment (agreed to by recorded vote of 212 ayes to 211 noes, Roll No. 238). The underlying Udall amendment had sought to provide interim protection to lands not yet designated as Wilderness Study Areas; Pages H3944–50, H3959–60

Inslee amendment that defines the boundaries as the land depicted in the Bureau of Land Management map entitled "San Rafael Western Legacy District and National Conservation Area dated March 28, 2000 (agreed to by a recorded vote of 228 ayes to 194 noes, Roll No. 239); Pages H3950–54, H3960

Cook amendment that prohibits funding for commercial advertising or commercial billboards; and Pages H3958–59

Traficant amendment that expresses the sense of Congress that entities should purchase only American-made equipment and products. Page H3959

Rejected:

Boehlert substitute to the Holt amendment that sought to allow the use of motorized vehicles where authorized by the Bureau of Land Management (rejected by a recorded vote of 210 ayes to 214 noes, Roll No. 240). Pages H3955–58, H3960–61

Postponed proceedings:

The Holt amendment was offered that seeks to restrict the use of motorized vehicles, except for those needed for administrative purposes or emergencies. Pages H3954–58

H. Res. 516, the rule that is providing for consideration of the bill was agreed to by voice vote. Pages H3936–43

DOD Appropriations: The House passed H.R. 4576, making appropriations for the Department of Defense for the fiscal year ending September 30, 2001 by a yea and nay vote of 367 yeas to 58 nays, Roll No. 241. Pages H3973–H4018

Rejected:

DeFazio amendment no. 2 printed in the Congressional Record that sought to reduce F–22 procurement funding by $930 million; Pages H4016–17

Tierney amendment that sought to cancel national missile defense procurement funding of $74.5 million and increase funding for the tri-care senior pharmacy program and other military health programs accordingly; Pages H3992–99

Kucinich amendment no. 8 printed in the Congressional Record that sought to reduce national missile defense operational test and evaluation funding by $174 million and increase defense health programs accordingly; and Pages H4002–12

DeFazio amendment that sought to suspend defense contractors who have been convicted of fraud. Pages H4013–14

Points of Order Sustained Against:

DeFazio amendment that sought to suspend defense contractors who have been convicted of fraud on a total of three or more occasions after the date of enactment. Pages H4012–13

Withdrawn:

Sanders amendment no. 11 printed in the Congressional Record, was offered but subsequently withdrawn, that sought to establish a research facility to support research on exposure to hazardous agents and materials by military personnel who

served in the Persian Gulf War and to study low-level chemical sensitivities. Page H4016

H. Res. 514, the rule that is providing for consideration of the bill was agreed to by a voice vote.

Pages H3961–73

Suspensions: The House agreed to suspend the rules and pass the following measures debated on June 6.

Carlsbad, New Mexico Irrigation District Land Transfer: S. 291, to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District (passed by a yea and nay vote of 422 yeas with none voting ''nay'', Roll No. 242) clearing the measure for the President;

Pages H4018–19

Wellton-Mohawk Irrigation District, Arizona Land Transfer: S. 356, to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District (passed by a yea and nay vote of 423 yeas with none voting ''nay'' Roll No. 243) clearing the measure for the President; Pages H4019–20

Pine Island Unit in Currituck and Dare Counties, North Carolina Boundary Adjustment: H.R. 4435, amended, to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System (passed by a yea and nay vote of 421 yeas to 1 nay, Roll No. 244); and Page H4020

Kealia Pond National Wildlife Refuge, Hawaii: 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 (passed by a yea and nay vote of 406 yeas to 14 nays, Roll No. 245).

Pages H4020–21

Recess: The House recessed at 10:05 p.m. and reconvened at 11:57 p.m. Page H4033

Senate Messages: Message received from the Senate appears on page H3931.

Referrals: S. 2311 was referred to the Committee on Commerce. Page H4034

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4036–42.

Quorum Calls Votes: Five yea and nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H3959–60, H3960, H3960–61, H3961, H4018–19, H4019–20, H4020, and H4020–21. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:58 p.m.

Committee Meetings

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Ordered reported the VA, HUD and Independent Agencies appropriations for fiscal year 2001.

CAPITAL MARKETS AND THE NEW ECONOMY

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on Capital Markets and the New Economy. Testimony was heard from Gary Gensler, Under Secretary, Domestic Finance, Department of the Treasury; Laurence H. Meyer, member, Board of Governors, Federal Reserve System; and public witnesses.

CANCER CARE FOR THE NEW MILLENNIUM

Committee on Government Reform: Held a hearing on Cancer Care for the New Millennium-Integrative Oncology. Testimony was heard from Representative Pryce of Ohio; the following officials of the Department of Health and Human Services: Steven Strauss, M.D., Director, National Center for Complementary and Alternative Medicine; Robert Wittes, M.D., Deputy Director, Extramural Science, National Cancer Institute; Jeffery Kang, M.D., Director, Office of Clinical Standards and Quality, Health Care and Financing Administration; and Robert Pazdur, Director, Division of Oncology Drug Products, FDA; and public witnesses.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: S. 439, to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988, to adjust the boundary of the Toiyabe National Forest, Nevada; H.R. 946, Graton Rancheria Restoration Act; S. 1374, Jackson Multi-Agency Campus Act of 1999; H.R. 2773, amended, Wekiva Wild and Scenic River Act of 1999; H.R. 2778, amended, Taunton River Wild and Scenic River Study Act of 1999; H.R. 2833, amended, Yuma Crossing National Heritage Area Act of 1999; H.R. 3084, amended, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; H.R. 3236, amended, 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; H.R. 3657, amended, to provide for

the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California; H.R. 3817, amended, to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail;" H.R. 4115, amended, to authorize appropriations for the United States Holocaust Memorial Museum; and H.R. 4408, to reauthorize the Atlantic Striped Bass Conservation Act.

FEDERAL LANDS—FIRE MANAGEMENT

Committee on Resources: Subcommittee on Forests and Forest Health and the Subcommittee on National Oaks and Public Lands held a joint oversight hearing on Fire Management on Federal Lands. Testimony was heard from Representatives Udall of New Mexico, Skeen, Wilson and Goodlatte; Bob Stanton, Director, National Park Service, Department of the Interior; the following officials of the Forest Service, USDA; Janice McDougal, Deputy Chief, State and Private Forestry; Jose Cruz, Director, Fire and Aviation Management; and Lyle Laverty, Regional Forester, Rocky Mountain Region; the following officials of the State of New Mexico: Gary Johnson, Governor; and David Venable, Mayor, Village of Cloudcroft; Richard Burick, Deputy Director, Operations, Los Alamos National Laboratory; and public witnesses.

DEATH TAX ELIMINATION ACT

Committee on Rules: Granted by voice vote, a modified closed rule on H.R. 8, Death Tax Elimination Act, 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. The rule provides for consideration of the amendment in the nature of a substitute, printed in the report, if offered by Representative Rangel or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided between the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Rangel, Doggett and Sherman.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS 2001

Committee on Rules: Granted by voice vote, an open rule providing one hour of general debate on H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001. The rule waives all points of order against consideration of the bill and provides that the amendments printed in part A of the Rules Committee report accompanying the resolution shall be considered as adopted. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill, as amended, except as otherwise specified in the rule. The rule provides that the amendment printed in part B of the Rules Committee report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendment printed in part B of the report. The rule also waives clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation) against amendments offered during consideration of the bill. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule provides one motion to recommit with or without instructions. Finally, the rule lays H. Res. 515 on the table.

REGULATORY REFORM INITIATIVES—IMPACT ON SMALL BUSINESS

Committee on Small Business: Held a hearing on Regulatory Reform Initiatives and Their Impact on Small Business. Testimony was heard from John T. Spotila, Administrator, Office of Information and Regulatory Affairs, OMB; and public witnesses.

ROUND II EMPOWERMENT ZONES FUTURE

Committee on Small Business: Subcommittee on Rural Enterprises, Business Opportunities and Special Small Business Problems held a hearing on the Future of Round II Empowerment Zones. Testimony was heard from Representatives Bono and Capuano; Maria Matthews, Deputy Administrator, Rural Development, Office of Community Development, USDA; and public witnesses.

COAST GUARD OPERATIONAL CUTS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Coast Guard Fiscal Year 2000 Operational Cuts. Testimony was heard from Adm. James M. Loy, USCG, Commandant, U.S. Coast Guard, Department of Transportation.

Joint Meetings

HIGH-TECH SUMMIT

Joint Economic Committee: Committee concluded hearings on the High-Technology National Summit to examine issues that are related to ensuring the continuation of its robust role in our economic health, focusing on the necessity for education system changes, trade and deregulation issues, and what actions the government should take regarding these issues, after receiving testimony from Carly Fiorina, Hewlett-Packard Company, Palo Alto, California; Michael Eisner, The Walt Disney Company, Anaheim, California; J. Craig Venter, Celera Genomics, Bethesda, Maryland; Beth VanStory, iMotors.com, San Francisco, California; Gene Hoffman, Jr., EMusic.com, Inc., Redwood City, California; Judith Hamilton, Classroom Connect, Brisbane, California; and Anne L. Bryant, National School Boards Association, Alexandria, Virginia.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 8, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance, to hold oversight hearings to examine multilateral development institutions, 9:30 a.m., SD–538.

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management, to hold hearings on H.R. 359, to clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law; H.R. 468, to establish the Saint Helena Island National Scenic Area; H.R. 1680, to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; S. 1817, to validate a conveyance of certain lands located in Carlton County, Minnesota, and to provide for the compensation of certain original heirs; S. 1972, to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park; and S. 2111, to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation, 9:30 a.m., SD–366. Subcommittee on National Parks, Historic Preservation, and Recreation, to hold oversight hearings 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, 2:30 p.m., SD–366.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings to examine Kosovo one year after the bombing, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine gender-based wage discrimination, 10 a.m., SD–430.

Select Committee on Intelligence: to hold hearings on the report from the National Commission on Terrorism, 3 p.m., SH–216.

Committee on the Judiciary: business meeting to consider S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States; S. 353, to provide for class action reform; and S. 2406, to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers, 10 a.m., SD–226.

House

Committee on Banking and Financial Services, to mark up the following bills: H.R. 3886, International Counter-Money Laundering Act of 2000; and H.R. 4419, Internet Gambling Funding Prohibition Act, 11 a.m., 2128 Rayburn.

Committee on the Budget, hearing on the "Corporate Welfare Reform Commission Act, Unjustified Business Subsidies and Legislation Aimed at Addressing Them," 12 p.m., 210 Cannon.

Committee on Commerce, Subcommittee on Energy and Power, hearing entitled: "National Energy Policy: The Future of Nuclear and Coal Power in the United States," 1 p.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Counterfeit Bulk Drugs, 11 a.m., 2322 Rayburn.

Committee on Government Reform, to continue hearings on Cancer Care for the New Millennium-Integrative Oncology, 1 p.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, oversight hearing on the Implementation of the Debt Collection Improvement Act, 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 534, Fairness and Voluntary Arbitration Act, 10:30 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, hearing on the following bills: H.R. 3295, CT–43A Federal Employee Settlement Act; and H.R. 1371, to amend the Federal tort claims provisions of title 28, United States Code, to repeal the exception for claims arising outside the United States, 10:45 a.m., 2226 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following measures: H.R. 4286, to provide for the establishment of

the Cahaba River National Refuge in Bibb County, Alabama; and H. Res. 415, expressing the sense of the House of Representatives that there should be established a National Ocean Day to recognize the significant role the ocean plays in the lives of the Nation's people and the important role the Nation's people must play in the continued life of the ocean, 10 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 3520, White Clay Creek Wild and Scenic Rivers System Act; H.R. 3745, Effigy Mounds National Monument Additions Act; and H.R. 4404, to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Government Programs and Oversight, hearing on Women in Business, 10 a.m., 2360 Rayburn.

Subcommittee on Regulatory Reform and Paperwork Reduction, hearing on the Quality of Regulatory Analyses, 10 a.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Ground Transportation, hearing on H.R. 4441, Motor Carrier Fuel Cost Equity Act of 2000, 10 a.m., 2167 Rayburn.

Subcommittee on Oversight, Investigations, and Emergency Management, hearing on Requirements Governing EPA Grants, 1:30 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs services for women veterans, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following measures: H.J. Res. 90, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization; and the Debt Reduction and Reconciliation Act of 2000, 2 p.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings on the human rights situation of the Romani minority in the OSCE region where Roma face widespread discrimination in public places, education, housing, and employment, as well as other human rights violations, 2 p.m., SR–485.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, June 8

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 2549, National Defense Authorization.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, June 8

House Chamber

Program for Thursday: Consideration of H.R. 4577, Labor, HHS, and Education Appropriations, FY 2001 (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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